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Subject: Activity in Case 1:22-cv-03822-VEC Commodity Futures Trading Commission v. Alexandre et al Appeal Record Sent to USCA - Electronic File
Date: Thursday, February 20, 2025 11:26:37 AM

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U.S. District Court

Southern District of New York

Notice of Electronic Filing

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Case Name: Commodity Futures Trading Commission v. Alexandre et al

Case Number: [1:22-cv-03822-VEC](https://www.pacer.gov/caseinfo/1:22-cv-03822-VEC)

Filer:

Document Number: No document attached

Docket Text:

[Appeal Record Sent to USCA \(Electronic File\). Certified Indexed record on Appeal Electronic Files for \[452\] Notice of Interlocutory Appeal were transmitted to the U.S. Court of Appeals..\(nd\)](#)

1:22-cv-03822-VEC Notice has been electronically mailed to:

Jennifer S. Feeney jfeeney@otterbourg.com

Lori A. Schwartz lschwartz@leechtishman.com

Erik Bradley Weinick eweinick@oshr.com, awilliams@otterbourg.com, jhildebrandt@otterbourg.com, mmaizel@otterbourg.com, mpantzer@otterbourg.com

Gerard Roger Luckman gluckman@forchellilaw.com

William Michael Moran wmoran@otterbourg.com, awilliams@otterbourg.com

David Allen Castleman dcastleman@otterbourg.com, awilliams@otterbourg.com, jhildebrandt@otterbourg.com

Jared P Lenow jared.lenow@usdoj.gov, CaseView.ECF@usdoj.gov,

USANYS.ECF@USDOJ.GOV

Elizabeth M Streit estreit@cftc.gov, enfch_ecf@cftc.gov, rlavko@cftc.gov, span@cftc.gov

Douglas Snodgrass dsnodgrass@cftc.gov, enfch_ecf@cftc.gov

Jolyon W Morris wilm@morrislegalfla.com, alexs@morrislegalfla.com, christine@morrislegalfla.com, mballantyne@morrislegalfla.com, mmartial@wilmorrislaw.com

1:22-cv-03822-VEC Notice has been delivered by other means to:

Eddy Alexandre
Reg. No. 00712-510
FCC Allenwood-Low
P.O. Box 1000
White Deer, PA 17887

APPEAL,ECF,PRO-SE

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:22-cv-03822-VEC**

Commodity Futures Trading Commission v. Alexandre et al
Assigned to: Judge Valerie E. Caproni
Related Case: 1:25-cv-00042-VEC
Cause: 7:6(b) Federal Commodity Exchange Regulation

Date Filed: 05/11/2022
Jury Demand: None
Nature of Suit: 850
Securities/Commodities
Jurisdiction: U.S. Government Plaintiff

Plaintiff

ABC
TERMINATED: 05/12/2022

Plaintiff

**Commodity Futures Trading
Commission**

represented by **Douglas Snodgrass**
U.S. Commodity Futures Trading
Commission
77 W Jackson Blvd
Suite 800
Chicago, IL 60604
312-596-0663
Email: dsnodgrass@cftc.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth M Streit
U.S. Commodity Futures Trading
Commission
Division of Enforcement
77 West Jackson Blvd
Suite 800
Chicago, IL 60604
312-596-0537
Fax: 646-746-3901
Email: estreit@cftc.gov
ATTORNEY TO BE NOTICED

V.

Defendant

DEF
TERMINATED: 05/12/2022

Defendant

Eddy Alexandre

represented by **Eddy Alexandre**
Reg. No. 00712-510
FCC Allenwood-Low
P.O. Box 1000
White Deer, PA 17887
PRO SE

Melissa Falk Wernick
Chiesa Shahinian & Giantomaso PC
105 Eisenhower Parkway
Roseland, NJ 07068
973-530-2157
Fax: 973-530-2357
Email: mwernick@csclaw.com
TERMINATED: 02/20/2024

LEAD ATTORNEY**Emil Bove**

Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
202-514-2000
Email: emil.bove@blanchelaw.com
TERMINATED: 02/15/2024

Defendant

Eminifx Inc.

Receiver

David A Castleman
Temporary Receiver

represented by **David Allen Castleman**
Otterbourg P.C.
230 Park Avenue
New York, NY 10169
212-661-9100
Email: dcastleman@otterbourg.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Christina McPhaul

Raines Feldman Littrell LLP
1350 Avenue of the Americas, 22nd Floor
New York, NY 10019
917-790-7145
Email: cmcphaul@raineslaw.com
TERMINATED: 02/02/2023

Gerard Roger Luckman

Forchelli Deegan Terrana LLP
333 Earle Ovington Boulevard
Ste 1010
Uniondale, NY 11553
516-248-1700
Fax: 516-248-1729
Email: gluckman@forchellilaw.com
ATTORNEY TO BE NOTICED

Kathy Bazoian Phelps

Raines Feldman Littrell LLP
1900 Avenue of the Stars
Suite 1900
Los Angeles, CA 90067
310-440-4100
Email: kphelps@raineslaw.com
TERMINATED: 02/02/2023

Receiver

**Counsel for David Castleman, as
Court-Appointed Receiver**

represented by **Erik Bradley Weinick**
Otterbourg P.C.
230 Park Avenue
New York, NY 10169
(212)661-9100
Fax: (212)368-7107
Email: eweinick@oshr.com
ATTORNEY TO BE NOTICED

Jennifer S. Feeney

Otterbourg P.C.
230 Park Avenue

New York, NY 10169
212-661-9100
Email: jfeeney@otterbourg.com
ATTORNEY TO BE NOTICED

William Michael Moran
Otterbourg P.C.
230 Park Ave.
New York, NY 10169
212-661-9100
Fax: 212-682-6104
Email: wmoran@otterbourg.com
ATTORNEY TO BE NOTICED

Interested Party

Christopher Beil

Kirschenbaum & Kirschenbaum PC
200 Garden City Plaza, Suite 315
Garden City, NY 11768
5167476700
Interested Party

Interested Party

Moshe Assis
718-344-1032

Interested Party

Sannecie Pongnon

Interested Party

34th Street Suites LLC

represented by **Lori A. Schwartz**
Leech Tishman Robinson Brog PLLC
One Dag Hammarskjold Plaza
885 Second Avenue, 3rd Floor
New York, NY 10017
212-603-6334
Fax: 212-956-2164
Email: lschwartz@leechtishman.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Intervenor

UNITED STATES OF AMERICA

represented by **Jared P Lenow**
US Attorneys Office
One St. Andrew's Plaza
New York, NY 10007
(212) 637-1068
Email: jared.lenow@usdoj.gov
ATTORNEY TO BE NOTICED

Intervenor

Lorfils Joseph

represented by **Jolyon W Morris**
Morris Legal, LLC
2800 Biscayne Boulevard
Ste 530
Miami, FL 33137
305-444-3437
Fax: 305-444-3457
Email: wilm@morrislegalfla.com

**LEAD ATTORNEY
ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
05/10/2022	<u>1</u>	***Sealed*** ORDER, Case sealed. (Signed by Judge Loretta A. Preska on 05/10/2022) (nmo) (Entered: 05/11/2022)
05/11/2022		Magistrate Judge Stewart D. Aaron is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf . (nmo) (Entered: 05/11/2022)
05/11/2022	<u>2</u>	SEALED DOCUMENT placed in vault. (nmo) (Entered: 05/11/2022)
05/12/2022	<u>3</u>	ORDER. This matter is before the Court on Plaintiff Commodity Futures Trading Commissions (CFTC) Ex Parte Motion for Leave to Lift Seal on this file and docket. In the Motion, the CFTC moves the Court to lift the seal because the reasons for the seal have been satisfied. Having considered the instant motion, the Court finds that the CFTC has demonstrated that the reasons for requesting the seal have been satisfied and that the seal on the file and court docket should be lifted. Accordingly, it is now ORDERED: Plaintiff Commodity Futures Trading Commissions Ex Parte Motion for Leave to Lift the Seal on this case and Docket is GRANTED. Records Management is hereby directed to upload all documents filed to date on the Electronic Case Filing system. SO ORDERED. (Signed by Judge Valerie E. Caproni on 05/12/2022)(jus) (Entered: 05/12/2022)
05/12/2022	<u>4</u>	CIVIL COVER SHEET filed. ***This document was previously filed under seal in envelope 2 and unsealed by docket entry 5*** ***This document was previously filed under seal in envelope 2 and unsealed by docket entry 3***.(js) (Entered: 05/13/2022)
05/12/2022	<u>5</u>	COMPLAINT against Eddy Alexandre, Eminifx Inc. Document filed by Commodity Futures Trading Commission. ***This document was previously filed under seal in envelope 2 and unsealed by docket entry 3*** (js) (Entered: 05/13/2022)
05/12/2022	<u>6</u>	PLAINTIFF'S MOTION FOR AN EX PARTE STATUTORY RESTRAINING ORDER AND PRELIMINARY INJUNCTION: Document filed by Commodity Futures Trading Commission. ***This document was previously filed under seal in envelope 2 and unsealed by docket entry 3*** (js) (Entered: 05/13/2022)
05/12/2022	<u>7</u>	PROPOSED ORDER GRANTING PLAINTIFFS MOTION FOR AN EX PARTE STATUTORY RESTRAINING ORDER, APPOINTMENT OF A TEMPORARY RECEIVER, AND OTHER EQUITABLE RELIEF Document filed by Commodity Futures Trading Commission. (Attachments: # <u>1</u> Exhibit A).***This document was previously filed under seal in envelope 2 and unsealed by docket entry 3*** (js) (Entered: 05/13/2022)
05/12/2022	<u>8</u>	MEMORANDUM OF LAW in Support re: <u>6</u> PLAINTIFF'S EMERGENCY MOTION FOR AN EX PARTE STATUTORY RESTRAINING ORDER AND PRELIMINARY INJUNCTION. Document filed by Commodity Futures Trading Commission. ***This document was previously filed under seal in envelope 2 and unsealed by docket entry 3***.(js) (Additional attachment(s) added on 5/13/2022: # <u>1</u> Exhibit A) (js). (Main Document 8 replaced on 5/26/2022) (js). (Entered: 05/13/2022)
05/12/2022	<u>9</u>	ORDER granting <u>6</u> Motion re: <u>6</u> PLAINTIFF'S MOTION FOR AN EX PARTE STATUTORY RESTRAINING ORDER, APPOINTMENT OF A TEMPORARY RECEIVER, AND OTHER EQUITABLE RELIEF: By no later than Friday, May 13, 2022, Plaintiff must email Chambers a proposed unsealing order. By no later than Monday, May 16, 2022, Plaintiff must serve the pleadings, this order, and all accompanying filings on Defendants. Plaintiff must file proof of such service on the docket by no later than Tuesday, May 17, 2022. So Ordered. ***This document was previously filed under seal in envelope 2 and unsealed by docket entry 3***. (Signed by Judge Valerie E. Caproni on 5/11/2022) (js) (Entered: 05/13/2022)
05/12/2022	<u>10</u>	PLAINTIFF'S MOTION FOR EXPEDITED DISCOVERY. Document filed by Commodity Futures Trading Commission. ***This document was previously filed under seal in envelope 2 and unsealed by docket entry 3***.(js) (Entered: 05/13/2022)
05/12/2022	<u>11</u>	PROPOSED ORDER GRANTING MOTION FOR EXPEDITED DISCOVERY: ***This document was previously filed under seal in envelope 2 and unsealed by docket entry 3*** Document filed by Commodity Futures Trading Commission..(js) (Entered: 05/13/2022)

05/12/2022	<u>12</u>	ORDER granting <u>10</u> Motion re: <u>10</u> MOTION EXPEDITED DISCOVERY. So Ordered. ***This document was previously filed under seal in envelope 2 and unsealed by docket entry 3***. (Signed by Judge Valerie E. Caproni on 5/11/2022) (js) (Entered: 05/13/2022)
05/12/2022	<u>13</u>	MOTION for Douglas Snodgrass to Appear Pro Hac Vice. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Commodity Futures Trading Commission. ***This document was previously filed under seal in envelope 2 and unsealed by docket entry 3***.(js) (Entered: 05/13/2022)
05/12/2022	<u>14</u>	DECLARATION OF DOUGLAS SNODGRASS UNDER LOCAL RULE 6.1 (d) IN SUPPORT OF CFTC'S EX PARTE MOTION FOR A STATUTORY RESTRAINING ORDER AND PRELIMINARY INJUNCTION: Document filed by Commodity Futures Trading Commission. ***This document was previously filed under seal in envelope 2 and unsealed by docket entry 3***.(js) (Entered: 05/13/2022)
05/12/2022	<u>15</u>	DECLARATION OF DOUGLAS SNODGRASS IN SUPPORT OF MOTION FOR ADMISSION OF PRO HAC VICE PURSUANT TO LOCAL RULE 1.3: Document filed by Commodity Futures Trading Commission. ***This document was previously filed under seal in envelope 2 and unsealed by docket entry 3***.(js) (Entered: 05/13/2022)
05/12/2022	<u>18</u>	DECLARATION of MATTHEW S. EDELSTEIN PURSUANT TO 28 U.S.C. § 1746: Document filed by Commodity Futures Trading Commission. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16). ***This document was previously filed under seal in envelope 2 and unsealed by docket entry 3*** (js) (Entered: 05/16/2022)
05/13/2022	<u>16</u>	SUMMONS RETURNED EXECUTED Summons and Complaint served. Eddy Alexandre served on 5/12/2022, answer due 6/2/2022. Service was accepted by Federal Defender Zawadi Baharanyi. Document filed by Commodity Futures Trading Commission..(Snodgrass, Douglas) (Entered: 05/13/2022)
05/13/2022	<u>17</u>	SUMMONS RETURNED EXECUTED Summons and Complaint served. Eminifx Inc. served on 5/12/2022, answer due 6/2/2022. Service was accepted by Federal Defender Zawadi Baharanyi on behalf of CEO Eddy Alexandre. Document filed by Commodity Futures Trading Commission..(Snodgrass, Douglas) (Entered: 05/13/2022)
05/16/2022	<u>19</u>	MOTION for Douglas Snodgrass to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Commodity Futures Trading Commission. (Attachments: # <u>1</u> Affidavit of Douglas Snodgrass, # <u>2</u> Exhibit Certificate of Good Standing, # <u>3</u> Text of Proposed Order Granting Admission Pro Hac Vice).(Snodgrass, Douglas) (Entered: 05/16/2022)
05/16/2022	<u>20</u>	MOTION for Elizabeth Streit to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Commodity Futures Trading Commission. (Attachments: # <u>1</u> Affidavit of Elizabeth Streit, # <u>2</u> Exhibit Certificate of Good Standing, # <u>3</u> Text of Proposed Order Granting Admission Pro Hac Vice).(Streit, Elizabeth) (Entered: 05/16/2022)
05/17/2022	<u>21</u>	NOTICE OF APPEARANCE by David Allen Castleman on behalf of David A Castleman..(Castleman, David) (Entered: 05/17/2022)
05/17/2022		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>19</u> MOTION for Douglas Snodgrass to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff., <u>20</u> MOTION for Elizabeth Streit to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (vba) (Entered: 05/17/2022)
05/17/2022	<u>22</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>13</u> Motion to Appear Pro Hac Vice; granting <u>19</u> Motion to Appear Pro Hac Vice. The motion of Douglas Snodgrass, for admission to practice Pro Hac Vice in the above-captioned action is GRANTED. As further set forth by this Order. The Clerk of Court is respectfully directed to close the open motions at docket entries 13 and 19. (Signed by Judge Valerie E. Caproni on 5/17/2022) (tg) Modified on 5/19/2022 (tg). (Entered: 05/17/2022)
05/17/2022	<u>23</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>20</u> Motion for Elizabeth M. Streit to Appear Pro Hac Vice. (Signed by Judge Valerie E. Caproni on 5/17/2022) (tg) (Entered: 05/17/2022)
05/18/2022	<u>24</u>	AFFIDAVIT OF SERVICE of summons, the Court's statutory restraining order, and accompanying filings served on Eddy Alexandre on May 12, 2022. Service was accepted by Federal Defender Zawadi Baharanyi. Document filed by Commodity Futures Trading Commission..(Snodgrass, Douglas)

		(Entered: 05/18/2022)
05/18/2022	<u>25</u>	AFFIDAVIT OF SERVICE of summons, pleadings, the Court's statutory restraining order, and accompanying filings served on EminiFX, Inc. on May 12, 2022. Service was accepted by Federal Defender Zawadi Baharanyi on behalf of CEO Eddy Alexandre. Document filed by Commodity Futures Trading Commission..(Snodgrass, Douglas) (Entered: 05/18/2022)
05/20/2022	<u>26</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MOTION for Kathy Bazoian Phelps to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-26176684. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by David A Castleman. (Attachments: # <u>1</u> Affidavit Declaration of Kathy Bazoian Phelps, # <u>2</u> Text of Proposed Order Proposed Order).(Phelps, Kathy) Modified on 5/23/2022 (sgz). (Entered: 05/20/2022)
05/20/2022	<u>27</u>	NOTICE OF APPEARANCE by Emil Bove, III on behalf of Eddy Alexandre..(Bove, Emil) (Entered: 05/20/2022)
05/20/2022	<u>28</u>	NOTICE OF APPEARANCE by Douglas Snodgrass on behalf of Commodity Futures Trading Commission. (Attachments: # <u>1</u> Exhibit A).(Snodgrass, Douglas) (Entered: 05/20/2022)
05/20/2022	<u>29</u>	JOINT LETTER MOTION to Adjourn Conference <i>and Extend the Effective Date of the Statutory Restraining Order</i> addressed to Judge Valerie E. Caproni from Douglas Snodgrass dated 5/20/2022. Document filed by Commodity Futures Trading Commission..(Snodgrass, Douglas) (Entered: 05/20/2022)
05/23/2022		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE–FILE Document No. <u>26</u> MOTION for Kathy Bazoian Phelps to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-26176684. Motion and supporting papers to be reviewed by Clerk's Office staff... The filing is deficient for the following reason(s): missing Certificate of Good Standing from Supreme Court of California; Re–file the motion as a Motion to Appear Pro Hac Vice – attach the correct signed PDF – select the correct named filer/filers – attach valid Certificates of Good Standing issued within the past 30 days – attach Proposed Order. (sgz) (Entered: 05/23/2022)
05/23/2022	<u>30</u>	NOTICE OF APPEARANCE by Melissa Falk Wernick on behalf of Eddy Alexandre..(Wernick, Melissa) (Entered: 05/23/2022)
05/23/2022	<u>31</u>	ORDER: granting <u>29</u> Letter Motion to Adjourn Conference. Application GRANTED. Given that the adverse parties consent to the longer extension, see Fed. R. Civ. P. 65(b) (2), the statutory restraining order currently in effect (Dkt. 9) is hereby extended to Tuesday, June 7, 2022. The hearing on the preliminary injunction, currently scheduled for Tuesday, May 24, 2022 at 2:00 P.M., is adjourned to Tuesday, June 7, 2022 at 1:00 P.M. The hearing will be held in Courtroom 443 of the Thurgood Marshall United States Courthouse, located at 40 Foley Square, New York, New York 10007. Per the SDNY COVID–19 COURTHOUSE ENTRY PROGRAM, any person who appears at any SDNY courthouse must complete a questionnaire. Only those individuals who meet the entry requirements established by the questionnaire will be permitted entry. Additionally, any person who appears at any SDNY courthouse must comply with Standing Order M10–468 (21–MC–164), which further pertains to courthouse entry. SO ORDERED.. (Signed by Judge Valerie E. Caproni on 5/23/2022) (ama) (Entered: 05/23/2022)
05/23/2022		Set/Reset Deadlines as to Motion Hearing set for 6/7/2022 at 01:00 PM in Courtroom 443, 40 Centre Street, New York, NY 10007 before Judge Valerie E. Caproni. (ama) (Entered: 05/23/2022)
05/23/2022	<u>32</u>	NOTICE OF INITIAL PRETRIAL CONFERENCE: Initial Conference set for 7/22/2022 at 10:00 AM in Courtroom 443, 40 Centre Street, New York, NY 10007 before Judge Valerie E. Caproni. (Signed by Judge Valerie E. Caproni on 5/23/2022) (tg) (Entered: 05/23/2022)
05/23/2022	<u>33</u>	NOTICE OF APPEARANCE by Elizabeth M Streit on behalf of Commodity Futures Trading Commission. (Attachments: # <u>1</u> Exhibit A).(Streit, Elizabeth) (Entered: 05/23/2022)
05/24/2022	<u>34</u>	MOTION for Kathy Bazoian Phelps to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by David A Castleman. (Attachments: # <u>1</u> Affidavit of Kathy Bazoian Phelps, # <u>2</u> Text of Proposed Order Proposed Order).(Phelps, Kathy) (Entered: 05/24/2022)
05/25/2022		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>34</u> MOTION for Kathy Bazoian Phelps to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (sgz) (Entered: 05/25/2022)

05/26/2022	<u>35</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>34</u> Motion for Kathy Bazoian Phelps to Appear Pro Hac Vice. (Signed by Judge Valerie E. Caproni on 5/26/2022) (vfr) (Entered: 05/26/2022)
05/26/2022	<u>36</u>	NOTICE OF APPEARANCE by Kathy Bazoian Phelps on behalf of David A Castleman..(Phelps, Kathy) (Entered: 05/26/2022)
05/31/2022	<u>37</u>	JOINT LETTER MOTION for Extension of Time to File Answer addressed to Judge Valerie E. Caproni from Emil Bove dated May 31, 2022. Document filed by Eddy Alexandre..(Bove, Emil) (Entered: 05/31/2022)
05/31/2022	<u>39</u>	ORDER granting <u>37</u> Letter Motion for Extension of Time to Answer re <u>37</u> JOINT LETTER MOTION for Extension of Time to File Answer addressed to Judge Valerie E. Caproni from Emil Bove dated May 31, 2022., <u>5</u> Complaint. Application GRANTED. SO ORDERED. Eddy Alexandre answer due 7/11/2022; Eminifx Inc. answer due 7/11/2022. (Signed by Judge Valerie E. Caproni on 5/31/2022) (tg) (Entered: 06/01/2022)
06/01/2022	<u>38</u>	STATUS REPORT. <i>And Request for Instructions</i> Document filed by David A Castleman. (Attachments: # <u>1</u> Exhibit June Invoice).(Castleman, David) (Entered: 06/01/2022)
06/01/2022	<u>40</u>	ORDER: IT IS HEREBY ORDERED that by no later than Friday, June 3, 2022 at 12:00 P.M., the parties must file the proposed consent preliminary injunction, were they to agree upon one. If the parties are unable to agree, Plaintiff must file a proposed preliminary injunction by no later than Friday, June 3, 2022 at 5:00 P.M. Any response by Defendants is due no later than Monday, June 6, 2022 at 5:00 P.M. SO ORDERED. (Signed by Judge Valerie E. Caproni on 6/1/2022) (tg) (Entered: 06/01/2022)
06/01/2022	<u>42</u>	MEMO ENDORSEMENT on re: <u>38</u> Status Report filed by David A Castleman. ENDORSEMENT: The temporary receiver's requests for permission as outlined in this letter are hereby GRANTED. SO ORDERED. (Signed by Judge Valerie E. Caproni on 6/1/2022) (tg) (Entered: 06/02/2022)
06/02/2022	<u>41</u>	JOINT LETTER MOTION to Adjourn Conference <i>and Extend the Effective Date of the Statutory Restraining Order</i> addressed to Judge Valerie E. Caproni from Emil Bove dated June 2, 2022. Document filed by Eddy Alexandre..(Bove, Emil) (Entered: 06/02/2022)
06/02/2022	<u>43</u>	ORDER granting <u>41</u> Letter Motion to Adjourn Conference. Given that the adverse parties consent to the longer extension, see Fed. R. Civ. P. 65(b)(2), the statutory restraining order currently in effect (Dkt. 9) is hereby extended to Friday, June 17, 2022. The hearing on the preliminary injunction, currently scheduled for Tuesday, June 7, 2022 at 1:00 P.M., is adjourned to Friday, June 17, 2022 at 2:30 P.M. By no later than Tuesday, June 14, 2022, the parties must file the proposed consent preliminary injunction, were they to agree upon one. If the parties are unable to agree, Plaintiff must file a proposed preliminary injunction by no later than Wednesday, June 15, 2022 at 12:00 P.M. Any response by Defendants is due no later than Thursday, June 16, 2022 at 12:00 P.M. The June 17, 2022 hearing will be held in Courtroom 443 of the Thurgood Marshall United States Courthouse, located at 40 Foley Square, New York, New York 10007. Per the SDNY COVID-19 COURTHOUSE ENTRY PROGRAM, any person who appears at any SDNY courthouse must complete a questionnaire. Only those individuals who meet the entry requirements established by the questionnaire will be permitted entry. Additionally, any person who appears at any SDNY courthouse must comply with Standing Order M10-468 (21-MC-164), which further pertains to courthouse entry. Status Conference set for 6/17/2022 at 02:30 PM in Courtroom 443, 40 Centre Street, New York, NY 10007 before Judge Valerie E. Caproni.. (Signed by Judge Valerie E. Caproni on 6/2/2022) (ate) (Entered: 06/02/2022)
06/02/2022		Set/Reset Deadlines: Responses due by 6/16/2022. (ate) (Entered: 06/02/2022)
06/06/2022	<u>44</u>	LETTER addressed to Judge Valerie E. Caproni from Christopher Beil and Maureen Beil dated June 6, 2022 re: response to Receiver's Preliminary Status Report. Document filed by Christopher Beil. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C).(Dillon, Scott) (Entered: 06/06/2022)
06/07/2022	<u>45</u>	ENDORSED LETTER addressed to Judge Valerie E. Caproni from Donna Bogursky-LoTurco dated 6/6/2022 re: It has come to my attention that this same person has been charged with using fraudulently obtained funds for this purpose and that there will be a request to forward his deposit to a third party. ENDORSEMENT: Counsel is directed to work with David Castleman, the Court-appointed temporary receiver. Mr. Castleman is welcome to file a request with a proposed order to the Court that addresses this issue. SO ORDERED. (Signed by Judge Valerie E. Caproni on 6/7/2022) (tg) (Entered: 06/08/2022)
06/10/2022	<u>46</u>	LETTER addressed to Judge Valerie E. Caproni from Kathy Bazoian Phelps dated June 10, 2022 re: Letter Application to Confirm Employment of Professionals. Document filed by David A Castleman. (Attachments: # <u>1</u> Exhibit Ex 1 – Raines Feldman LLP Rates, # <u>2</u> Exhibit Ex 2 – JS Held Rates, # <u>3</u> Exhibit Ex 3 – FDT Rates, # <u>4</u> Exhibit Ex 4 – Crowe Rates, # <u>5</u> Exhibit Ex 5 – Stretto

		Agreement).(Phelps, Kathy) (Entered: 06/10/2022)
06/10/2022	<u>47</u>	MEMO ENDORSEMENT on re: <u>46</u> Letter Application to Confirm Employment of Professionals, filed by David A Castleman. ENDORSEMENT: Application GRANTED. The employment of the five professional firms, as described in this letter, is confirmed on the terms set forth by the Receiver. The Receiver's process described in this letter for submitting fee and expense requests by letter application, following the approval by the CFTC in accordance with their procedures, is approved. Any application for fees and expenses must include the detailed time entries, which may be submitted separately under seal on ECF. The Receiver is not required to file a separate motion to seal alongside any sealed filings of time entries. SO ORDERED. (Signed by Judge Valerie E. Caproni on 6/10/22) (yv) (Entered: 06/13/2022)
06/14/2022	<u>48</u>	CONSENT MOTION for Preliminary Injunction . Document filed by Commodity Futures Trading Commission. (Attachments: # <u>1</u> Exhibit A – Proposed Consent Order for Preliminary Injunction).(Snodgrass, Douglas) (Entered: 06/14/2022)
06/14/2022	<u>49</u>	LETTER addressed to Judge Valerie E. Caproni from Christopher Beil and Maureen Beil dated June 14, 2022 re: limited opposition to proposed Consent Order. Document filed by Christopher Beil..(Dillon, Scott) (Entered: 06/14/2022)
06/14/2022	<u>50</u>	MEMO ENDORSEMENT on re: <u>49</u> Letter filed by Christopher Beil. Although Christopher and Maureen Beil are non-parties without standing in this matter, any response by the parties or the Receiver to this letter is due no later than Wednesday, June 15, 2022 at 6:00 P.M. SO ORDERED. (Signed by Judge Valerie E. Caproni on 6/14/2022) (anc) (Entered: 06/15/2022)
06/15/2022	<u>51</u>	LETTER addressed to Judge Valerie E. Caproni from Kathy Bazoian Phelps dated June 15, 2022 re: Response to Objection Filed by Christopher and Maureen Beil [Dkt 49]. Document filed by David A Castleman. (Attachments: # <u>1</u> Affidavit of David Castleman, # <u>2</u> Exhibit Ex 1 – Redacted Bank Statement).(Phelps, Kathy) (Entered: 06/15/2022)
06/15/2022	<u>52</u>	NOTICE OF APPEARANCE by Gerard Roger Luckman on behalf of David A Castleman..(Luckman, Gerard) (Entered: 06/15/2022)
06/15/2022	<u>53</u>	LETTER addressed to Judge Valerie E. Caproni from Douglas Snodgrass dated June 15, 2022 re: CFTC's Response to the Objection Filed by Christopher and Maureen Beil. Document filed by Commodity Futures Trading Commission..(Snodgrass, Douglas) (Entered: 06/15/2022)
06/15/2022	<u>54</u>	LETTER addressed to Judge Valerie E. Caproni from Christopher Beil and Maureen Beil dated June 15, 2022 re: further limited opposition to proposed Consent Order. Document filed by Christopher Beil..(Dillon, Scott) (Entered: 06/15/2022)
06/15/2022	<u>55</u>	MEMO ENDORSEMENT on re: <u>54</u> Letter filed by Christopher Beil. ENDORSEMENT: The Sellers' objection, see Letter, Dkt. 49, is OVERRULED. The Sellers may make a claim in the normal claims process to be established by the Receiver with the approval of the Court at a later date. The Court is inclined to order the Sellers to turn over the deposit at issue to the Receiver. By no later than Friday, June 17, 2022, the Receiver must file a proposed order requiring the turnover of the deposit at issue. SO ORDERED. (Signed by Judge Valerie E. Caproni on 6/15/2022) (tg) (Entered: 06/16/2022)
06/15/2022	<u>56</u>	CONSENT ORDER FOR PRELIMINARY INJUNCTION AGAINST DEFENDANTS EDDY ALEXANDRE AND EMINIFX, INC.:THE PARTIES AGREE AND IT IS HEREBY ORDERED that: A. Jurisdiction and Venue The Defendants have been properly served with a Summons and a copy of the Complaint and Defendants have consented to the entry of this Order. This Court is authorized to enter a preliminary injunction and ancillary equitable relief against Defendants pursuant to 7 U.S.C. §§ 13a-1 and 13a-2. 19. This Court has jurisdiction over Defendants and the subject matter of this action pursuant to 28 U.S.C. § 1331 (federal question jurisdiction) and 28 U.S.C. § 1345 (district courts have original jurisdiction over civil actions commenced by the United States or by any agency expressly authorized to sue by Act of Congress). 7 U.S.C. § 13a-1(a) authorizes the CFTC to seek injunctive and other relief against any person whenever it appears to the CFTC that such person has engaged, is engaging, or is about to engage in any act or practice constituting a violation of any provision of the Act or any rule, or regulation promulgated thereunder. As Plaintiff, Commission has made a proper showing under 7 U.S.C. § 13a-1(b) that it is not required to post any bond in connection with this Order. The Receiver is similarly not required to post bond. The hearing on the preliminary injunction, currently scheduled for Friday, June 17, 2022 at 2:30 P.M., is hereby CANCELLED, as the entry of this Order renders that hearing moot. As further set forth by this Order, IT IS SO ORDERED. (Signed by Judge Valerie E. Caproni on 6/15/2022) (tg) (Entered: 06/16/2022)

06/16/2022	<u>57</u>	LETTER addressed to Judge Valerie E. Caproni from Christopher Beil and Maureen Beil dated June 16, 2022 re: request Court reconsider entering Order directing turnover of earnest money deposit. Document filed by Christopher Beil. (Attachments: # <u>1</u> Exhibit Family Health Mgt, LLC v. Rohan Development, LLC).(Dillon, Scott) (Entered: 06/16/2022)
06/16/2022	<u>59</u>	MEMO ENDORSEMENT on re: <u>58</u> Letter Transmitting Proposed Order Related Doc. No. 49 filed by David A Castleman. ENDORSEMENT: The Seller's request for reconsideration is DENIED. The Court need not entertain a motion for reconsideration that seeks to relitigate old issues, present new theories of liability, or otherwise take a second bite at the apple. See Analytical Survs., Inc. v. Tonga Partners, L.P., 684 F.3d 36, 52 (2d Cir. 2012), as amended (July 13, 2012). Although the Court seriously doubts the Sellers' conversion theory on the merits, that theory is not a proper basis for a request for reconsideration. The decision cited by the Sellers was released on June 9th; the Sellers' initial request was on June 14 (Dkt. 49). The Sellers' attempt to argue a conversion theory is akin to presenting a new theory of liability or taking a second bite of the apple. Accordingly, the request is denied. SO ORDERED. (Signed by Judge Valerie E. Caproni on 6/16/22) (yv) (Entered: 06/17/2022)
06/17/2022	<u>58</u>	LETTER addressed to Judge Valerie E. Caproni from Gerard R Luckman dated June 17, 2022 re: Transmitting Proposed Order Related Doc. No. 49. Document filed by David A Castleman. (Attachments: # <u>1</u> Exhibit Proposed Order).(Luckman, Gerard) (Entered: 06/17/2022)
06/17/2022	<u>60</u>	ORDER REQUIRING TURNOVER OF DEPOSIT TO RECEIVER: On June 16, 2022, this Court entered the Consent Preliminary Injunction in this case (Dkt.56) and, by Memo Endorsed Order (Dkt. 55), overruled the objection of non-parties Christopher Beil and Maureen Beil (the "Sellers"). Pursuant to a certain contract of sale dated as of April 11, 2022 (the "Contract") for the sale by Sellers to Purchaser (as defined therein) of 525 Manhasset Woods Road, Manhasset, New York 11030 (the "Property"), \$535,000 was deposited (the "Deposit") into the escrow account of Sellers' counsel, Kirschenbaum & Kirschenbaum, P.C. ("Escrowee"). David Castleman, the court-appointed receiver (the "Receiver") over Defendant EminiFX, Inc. ("EminiFX") and assets of Defendant Eddy Alexandre ("Alexandre") traceable to customer funds, has stated a good faith belief that the Deposit is traceable to EminiFX customer funds, and provided the Court with justification for his belief, pursuant to paragraph 38 of the Consent Preliminary Injunction. The Escrowee shall turn over the Deposit to the Receiver within 3 business days from entry of this Order. Sellers' may make a claim in the normal claim process to be established by the Receiver with the approval of the Court at a later date, subject to the Receiver's right to review and object to such claim as part of the approved claims process. The Receiver shall hold the Deposit in the Alexandre Assets account pursuant to paragraph 38 of the Consent Preliminary Injunction. IT IS SO ORDERED. (Signed by Judge Valerie E. Caproni on 6/17/2022) (tg) Transmission to Finance Unit (Cashiers) for processing. (Entered: 06/17/2022)
06/23/2022	<u>61</u>	LETTER MOTION to Expedite <i>Receiver's Application for Approval to Sell Certain Computers, Electronics, Office Equipment, Furniture and Supplies of EminiFX, Inc.</i> addressed to Judge Valerie E. Caproni from Gerard R Luckman dated June 23. 2022. Document filed by David A Castleman. (Attachments: # <u>1</u> Exhibit Offer Letter).(Luckman, Gerard) (Entered: 06/23/2022)
06/23/2022	<u>62</u>	NOTICE OF APPEARANCE by Christina McPhaul on behalf of David A Castleman..(McPhaul, Christina) (Entered: 06/23/2022)
06/24/2022	<u>63</u>	LETTER addressed to Judge Valerie E. Caproni from Emil Bove dated June 24, 2022 re: Opportunity to respond to Receiver's June 23, 2022 application. Document filed by Eddy Alexandre..(Bove, Emil) (Entered: 06/24/2022)
06/27/2022	<u>64</u>	MEMO ENDORSEMENT on re: <u>63</u> Letter filed by Eddy Alexandre. ENDORSEMENT: Application GRANTED. Mr. Alexandre is hereby directed to provide the Court with an update regarding his position by June 28, 2022. SO ORDERED. (Responses due by 6/28/2022) (Signed by Judge Valerie E. Caproni on 6/27/2022) (tg) (Entered: 06/27/2022)
06/27/2022	<u>65</u>	LETTER addressed to Judge Valerie E. Caproni from Emil Bove dated June 27, 2022 re: Receiver's June 23, 2022 motion. Document filed by Eddy Alexandre..(Bove, Emil) (Entered: 06/27/2022)
06/28/2022	<u>66</u>	ORDER granting <u>61</u> Letter Motion to Expedite. Application GRANTED. SO ORDERED. (Signed by Judge Valerie E. Caproni on 6/28/2022) (tg) (Entered: 06/28/2022)
07/07/2022	<u>67</u>	LETTER addressed to Judge Valerie E. Caproni from Emil Bove dated July 7, 2022 re: DOJ stay motion. Document filed by Eddy Alexandre..(Bove, Emil) (Entered: 07/07/2022)
07/08/2022	<u>68</u>	MEMO ENDORSEMENT on re: <u>67</u> Letter filed by Eddy Alexandre. ENDORSEMENT: Application GRANTED. The Court adopts the parties' proposed briefing schedule. The deadlines for Defendant's answer to be filed and for the CFTC to respond to Mr. Alexandre's request for production are adjourned sine die. The Initial Pretrial Conference and the deadline for Initial Pretrial Conference submissions are

		also adjourned sine die. SO ORDERED. (Motions due by 7/25/2022., Responses due by 8/12/2022, Replies due by 8/19/2022.) (Signed by Judge Valerie E. Caproni on 7/8/2022) (jca) (Entered: 07/08/2022)
07/14/2022	69	FIRST LETTER addressed to Judge Valerie E. Caproni from Moshe Assis dated July 14, 2022 re: Security Deposit. Document filed by Moshe Assis..(Assis, Moshe) (Entered: 07/14/2022)
07/14/2022	70	MEMO ENDORSEMENT on re: 69 Letter filed by Moshe Assis. ENDORSEMENT: By Friday, July 29, 2022, the Receiver is ordered to respond to 34th Street Suites LLC's letter. SO ORDERED. (Signed by Judge Valerie E. Caproni on 7/14/2022) (jca) (Entered: 07/14/2022)
07/20/2022	71	STATUS REPORT. Document filed by David A Castleman..(Castleman, David) (Entered: 07/20/2022)
07/25/2022	72	NOTICE OF APPEARANCE by Jared P Lenow on behalf of UNITED STATES OF AMERICA..(Lenow, Jared) (Entered: 07/25/2022)
07/25/2022	73	MOTION to Stay . Document filed by UNITED STATES OF AMERICA. (Attachments: # 1 Supplement Memorandum of Law, # 2 Text of Proposed Order Proposed Stay Order, # 3 Exhibit A, # 4 Exhibit B).(Lenow, Jared) (Entered: 07/25/2022)
07/26/2022	74	FILING ERROR – DEFICIENT DOCKET ENTRY – MOTION for Brittany A. Manna, Esq. to Appear Pro Hac Vice <i>Filing Fee Receipt Number ANYSDC-26463185</i> . Motion and supporting papers to be reviewed by Clerk's Office staff . Document filed by Eddy Alexandre. (Attachments: # 1 Exhibit A – Declaration in Support of Motion for Admission Pro Hac Vice, # 2 Exhibit B – Certificate of Good Standing, # 3 Text of Proposed Order Proposed Order).(Bove, Emil) Modified on 7/27/2022 (sgz). (Entered: 07/26/2022)
07/26/2022	75	LETTER addressed to Judge Valerie E. Caproni from Emil Bove dated July 26,2022 re: Receiver's Status Report. Document filed by Eddy Alexandre..(Bove, Emil) (Entered: 07/26/2022)
07/27/2022		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE-FILE Document No. 74 MOTION for Brittany A. Manna, Esq. to Appear Pro Hac Vice <i>Filing Fee Receipt Number ANYSDC-26463185</i>. Motion and supporting papers to be reviewed by Clerk's Office staff. The filing is deficient for the following reason(s): Ink Signature Needed When Not Using Own Pacer Account; Re-file the motion as a Motion to Appear Pro Hac Vice – attach the correct signed PDF – select the correct named filer/filers – attach valid Certificates of Good Standing issued within the past 30 days – attach Proposed Order. (sgz) (Entered: 07/27/2022)
07/27/2022	76	LETTER MOTION to Compel 34th Street Suites LLC to Turnover of Deposit addressed to Judge Valerie E. Caproni from Gerard R. Luckman dated 7/27/2022. Document filed by David A Castleman. (Attachments: # 1 Exhibit Rejection of License Agreement, # 2 Exhibit Surrender of Possession).(Luckman, Gerard) (Entered: 07/27/2022)
07/28/2022	77	LETTER addressed to Judge Valerie E. Caproni from David Castleman, Receiver dated July 28, 2022 re: Application to Approve Supplemental Procedures. Document filed by David A Castleman. (Attachments: # 1 Exhibit 1 EminiFX Notice of Receivership, # 2 Exhibit 2 Sorainen Engagement Letter).(Castleman, David) (Entered: 07/28/2022)
07/29/2022	78	MEMO ENDORSEMENT on re: 77 Letter, filed by David A Castleman ENDORSEMENT: If the Defendant wishes to object to any of the Receiver's requests for court authorization, he must file a response by no later than Thursday, August 11, 2022. The Receiver's reply to any responses must be filed no later than Thursday, August 18, 2022. The Receiver is directed to file a proposed order granting the letter motion by no later than Thursday, August 18, 2022 on ECF and to also email a Word version to CaproniNYSDChambers@nysd.uscourts.gov. SO ORDERED (Signed by Judge Valerie E. Caproni on 7/29/2022) (ks) (Entered: 07/29/2022)
07/29/2022	79	FILING ERROR – DEFICIENT DOCKET ENTRY – PROPOSED ORDER. Document filed by David A Castleman. (Attachments: # 1 Text of Proposed Order Re Supplemental Procedures) Related Document Number: [Dkt. 78]..(Castleman, David) Proposed Order to be reviewed by Clerk's Office staff . Modified on 8/1/2022 (km). (Entered: 07/29/2022)
08/01/2022		***NOTICE TO ATTORNEY REGARDING DEFICIENT PROPOSED ORDER. Notice to attorney David Castleman to RE-FILE Document No. 79 Proposed Order. The filing is deficient for the following reason(s): The letter and the order need to be filed separately. Re-file the order using the event type Proposed Order found under the event list Proposed Orders. File the letter under Other Filings, Other Documents, Letter. (km) (Entered: 08/01/2022)

08/01/2022	<u>80</u>	LETTER addressed to Judge Valerie E. Caproni from David Castleman dated 7/29/2022 re: Proposed Order. Document filed by David A Castleman..(Castleman, David) (Entered: 08/01/2022)
08/01/2022	<u>81</u>	PROPOSED ORDER. Document filed by David A Castleman. Related Document Number: <u>80</u> ..(Castleman, David) Proposed Order to be reviewed by Clerk's Office staff. (Entered: 08/01/2022)
08/01/2022		***NOTICE TO COURT REGARDING PROPOSED ORDER. Document No. <u>81</u> Proposed Order was reviewed and approved as to form. (km) (Entered: 08/01/2022)
08/01/2022	<u>82</u>	LETTER REPLY to Response to Motion addressed to Judge Valerie E. Caproni from MOSHE ASSIS dated August 1, 2022 re: <u>76</u> LETTER MOTION to Compel 34th Street Suites LLC to Turnover of Deposit addressed to Judge Valerie E. Caproni from Gerard R. Luckman dated 7/27/2022. . Document filed by Moshe Assis. (Attachments: # <u>1</u> Exhibit Suites–EminiFX May 4, 2022 Agreement, # <u>2</u> Exhibit July 7, 2022 Letter Rejection of Surrender of License, # <u>3</u> Exhibit Suites–EminiFX Prior Agreements Part 1 of 5, # <u>4</u> Exhibit Suites–EminiFX Prior Agreements Part 2 of 5, # <u>5</u> Exhibit Suites–EminiFX Prior Agreements Part 3 of 5, # <u>6</u> Exhibit Suites–EminiFX Prior Agreements Part 4 of 5, # <u>7</u> Exhibit Suites–EminiFX Prior Agreements Part 5 of 5).(Assis, Moshe) (Entered: 08/01/2022)
08/01/2022	<u>83</u>	ORDER denying <u>76</u> Letter Motion to Compel. 34th Street Suites LLC's request to retain the security deposit, see Letter, Dkt. 69, is DENIED. Receivers have clear, and long-settled, authority to repudiate leases, even if the Receiver makes temporary payments on the lease. See Palmer v. Palmer, 104 F.2d 161, 163 (2d Cir. 1939) (opinion by Judge Learned Hand). Accordingly, the Receiver appropriately exercised his authority to require 34th Suites LLC to "transfer possession of all funds, assets, or other property" to the Receiver. Preliminary Injunction, Dkt. 56 at 45. 34th Street Suites LLC may make a claim in the normal claims process to be established by the Receiver with the approval of the Court at a later date. If the Receiver would like the Court to enter an order requiring 34th Street Suites to turn over the security deposit, the Receiver must file a proposed order to that effect by no later than Friday, August 5, 2022, and email a Word version of the order to CaproniNYSDChambers@nysd.uscourts.gov. SO ORDERED. (Signed by Judge Valerie E. Caproni on 8/1/2022) (tg) (Entered: 08/03/2022)
08/03/2022	<u>84</u>	LETTER addressed to Judge Valerie E. Caproni from Gerard R. Luckman dated August 3, 2022 re: Proposed Order. Document filed by David A Castleman..(Luckman, Gerard) (Entered: 08/03/2022)
08/03/2022	<u>85</u>	PROPOSED ORDER. Document filed by David A Castleman. Related Document Number: <u>83</u> ..(Luckman, Gerard) Proposed Order to be reviewed by Clerk's Office staff. (Entered: 08/03/2022)
08/03/2022		***NOTICE TO COURT REGARDING PROPOSED ORDER. Document No. <u>85</u> Proposed Order was reviewed and approved as to form. (km) (Entered: 08/03/2022)
08/03/2022	<u>86</u>	ORDER REQUIRING TURNOVER OF DEPOSIT TO RECEIVER: On June 16, 2022, this Court entered the Consent Preliminary Injunction in this case (Dkt. 56) and, by Memo Endorsed Order (Dkt. 83), overruled the request of 34th Street Suites LLC ("Suites") to retain a certain security deposit (Dkt. 69). David Castleman, the court-appointed receiver (the "Receiver") over Defendant EminiFX, Inc. ("EminiFX") and assets of Defendant Eddy Alexandre ("Alexandre") has properly exercised his authority to reject the license agreement and require Suites to "transfer possession of all funds, assets or other property" to the Receiver. Suites shall turn over the Deposit to the Receiver within 3 business days from entry of this Order. Suites may make a claim in the normal claim process to be established by the Receiver with the approval of the Court at a later date, subject to the Receiver's right to review and object to such claim as part of the approved claims process. IT IS SO ORDERED. (Signed by Judge Valerie E. Caproni on 8/3/2022) (tg) (Entered: 08/03/2022)
08/03/2022		Transmission to Finance Unit (Cashiers). Transmitted re: <u>86</u> Order, to the Finance Unit (Cashiers) for case processing..(tg) (Entered: 08/03/2022)
08/04/2022	<u>87</u>	MOTION for Brittany A. Manna, Esq. to Appear Pro Hac Vice <i>Filing Fee Receipt Number ANYSDC-26463185 – Dkt. No. 74 Prior Filing.</i> Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Eddy Alexandre. (Attachments: # <u>1</u> Exhibit A – Declaration in Support of Motion for Admission Pro Hac Vice, # <u>2</u> Exhibit B – Certificate of Good Standing, # <u>3</u> Text of Proposed Order Proposed Order, # <u>4</u> Affidavit Certificate of Service).(Bove, Emil) (Entered: 08/04/2022)
08/04/2022	<u>88</u>	LETTER addressed to Judge Valerie E. Caproni from David Castleman, Receiver dated August 4, 2022 re: Application for Payment of Fees and Expenses (May/June 2022). Document filed by David A Castleman. (Attachments: # <u>1</u> Exhibit Declaration of David Castleman, # <u>2</u> Exhibit Declaration of Hernan Serrano, # <u>3</u> Exhibit Declaration of Gerard Luckman, # <u>4</u> Exhibit Declaration of Susan P. Tomlinson, # <u>5</u> Exhibit Declaration of Robert Klamser).(Castleman, David) (Entered: 08/04/2022)

08/04/2022	<u>89</u>	***EX-PARTE*** LETTER addressed to Judge Valerie E. Caproni from David Castleman, Receiver dated August 4, 2022 re: Exhibits Under Seal Re Application for Fees and Expenses (May/June 2022). Document filed by David A Castleman. (Attachments: # <u>1</u> Exhibit 1-1 Receiver, # <u>2</u> Exhibit 1-2 Raines Feldman LLP, # <u>3</u> Exhibit 2-1 JS Held LLC, # <u>4</u> Exhibit 3-1 Forchelli Deegan Terrana LLP, # <u>5</u> Exhibit 4-1 Crowe LLP, # <u>6</u> Exhibit 5-1 Stretto, Inc.) Motion or Order to File Under Seal: <u>47</u> .(Castleman, David) (Entered: 08/04/2022)
08/05/2022		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>87</u> MOTION for Brittany A. Manna, Esq. to Appear Pro Hac Vice Filing Fee Receipt Number ANYSDC-26463185 – Dkt. No. 74 Prior Filing. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (sgz) (Entered: 08/05/2022)
08/05/2022	<u>90</u>	MEMO ENDORSEMENT granting <u>87</u> Motion to Appear Pro Hac Vice. ENDORSEMENT: Application GRANTED. SO ORDERED. (Signed by Judge Valerie E. Caproni on 8/5/2022) (tg) (Entered: 08/05/2022)
08/05/2022	<u>91</u>	ORDER RE SUPPLEMENTAL PROCEDURES: IT IS HEREBY ORDERED THAT: 1. The Court approves the Receiver's Proposed Notice attached to the Application as Exhibit 1. As further set forth by this Order. (Signed by Judge Valerie E. Caproni on 8/5/2022) (tg) Transmission to Finance Unit (Cashiers) for processing. (Entered: 08/05/2022)
08/05/2022	<u>92</u>	MEMO ENDORSEMENT on re: <u>88</u> Letter, filed by David A Castleman. ENDORSEMENT: The fees and expenses in the amounts set forth above, totaling \$990,777.86 in fees and \$5,660.42 in expenses, are APPROVED. SO ORDERED. (Signed by Judge Valerie E. Caproni on 8/5/2022) (tg) Transmission to Finance Unit (Cashiers) for processing. (Entered: 08/05/2022)
08/09/2022	<u>93</u>	***STRICKEN DOCUMENT. Document number <u>93</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from C. Poulard, dated 8/8/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022" – I am requesting that you reconsider the approval of the request and grant me fourteen days to produce cause for my opposition to the request made by the receiver for the following reasons(as indicated). Document filed by Chantale Poulard, a non–party investor of EMINIFX, INC. (sc) Modified on 8/9/2022 (sc). Modified on 8/17/2022 (tg). (Entered: 08/09/2022)
08/09/2022	<u>94</u>	***STRICKEN DOCUMENT. Document number <u>94</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>106</u> Order. LETTER addressed to Judge Valerie E. Caproni from E. Augustin,investor in EminiFX Club, dated 8/8/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022" – Wherefore, I come before you to request that the Court grant my request to reconsider your approval of the foregoing expense request submitted by the receiver and to grant me fourteen days to allow me sufficient time to review the receiver's request with proper legal assistance and show cause. Document filed by Anne Augustin, a non–party(sc) Modified on 8/10/2022 (sc). Modified on 8/12/2022 (tg). (Entered: 08/10/2022)
08/09/2022	<u>95</u>	***STRICKEN DOCUMENT. Document number <u>95</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>106</u> Order. LETTER addressed to Judge Valerie E. Caproni from A. Augustin,investor in the EminiFX club, dated 8/8/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022" – Wherefore, I come before you to request that the Court grant my request and reconsider your approval of the foregoing expense request submitted by the receiver and to grant me fourteen days, to allow me sufficient time to review the receiver's request with proper legal assistance and show cause. (sc) Modified on 8/12/2022 (tg). (Entered: 08/10/2022)
08/09/2022	<u>96</u>	***STRICKEN DOCUMENT. Document number <u>96</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>106</u> Order. LETTER addressed to Judge Valerie E. Caproni from Reverend Dr. F. Augustin, investor in EminiFX club, dated 8/8/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES" – MAY/JUNE 2022" – Wherefore, I come before you to request that the Court grant my request to reconsider your approval of the foregoing expense request submitted by the receiver and to grant me fourteen days, to allow me sufficient time to review the receiver's request with proper legal assistance and show cause. Document filed by Rev. Dr. Fortin Augustin, non–party.(sc) Modified on 8/10/2022 (sc). Modified on 8/12/2022 (tg). (Entered: 08/10/2022)
08/09/2022	<u>97</u>	***STRICKEN DOCUMENT. Document number <u>97</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>106</u> Order. LETTER addressed to Judge Valerie

		E. Caproni from Reverend N. Augustin, an investor in EminiFX club, dated 8/8/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022" –Wherefore, I come before you to request that the Court grant my request and reconsider your approval of the foregoing expense request submitted by the receiver and to grant me fourteen(14) days, to allow me sufficient time to review the receiver's request with proper legal assistance and show cause. Document submitted by Rev. N. Augustin, a non–party. (sc) Modified on 8/10/2022 (sc). Modified on 8/12/2022 (tg). (Entered: 08/10/2022)
08/10/2022	<u>98</u>	***STRICKEN DOCUMENT. Document number 98 has been stricken from the case record. The document was stricken from this case pursuant to 106 Order. LETTER addressed to Judge Valerie E. Caproni from Sannecie Pongnon dated 8/8/2022 re: Emergency Request to Reconsider the Approval for Payment of Fees and Expenses – May/June 2022. Document filed by Sannecie Pongnon..(tg) Modified on 8/12/2022 (tg). (Entered: 08/10/2022)
08/10/2022	<u>99</u>	***STRICKEN DOCUMENT. Document number 99 has been stricken from the case record. The document was stricken from this case pursuant to 106 Order. LETTER addressed to Judge Valerie E. Caproni from Ricardo Estime, dated 8/8/22 re: EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022. Document filed by Eddy Alexandre, a non–party investor.(sc) Modified on 8/10/2022 (sc). Modified on 8/12/2022 (tg). (Entered: 08/10/2022)
08/10/2022	<u>100</u>	***STRICKEN DOCUMENT. Document number 100 has been stricken from the case record. The document was stricken from this case pursuant to 106 Order. LETTER addressed to Judge Valerie E. Caproni from Expresse Noel, dated 8/8/22 re: EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES. Document filed by Expresse Noel, a non–party investor. (sc) Modified on 8/10/2022 (sc). Modified on 8/12/2022 (tg). (Entered: 08/10/2022)
08/10/2022	<u>101</u>	***STRICKEN DOCUMENT. Document number 101 has been stricken from the case record. The document was stricken from this case pursuant to 106 Order. LETTER addressed to Judge Valerie E. Caproni from Cheranne Williams, dated 8/8/22 re: EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES MAY/JUNE 2022. Document filed by Cheranne Williams, a non–party investor.(sc) Modified on 8/12/2022 (tg). (Entered: 08/10/2022)
08/11/2022	<u>102</u>	***STRICKEN DOCUMENT. Document number 102 has been stricken from the case record. The document was stricken from this case pursuant to 106 Order. LETTER addressed to Judge Valerie E. Caproni from Yves Rose, dated 8/8/22 re: EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES MAY/JUNE 2022 – I am requesting that you reconsider the approval of the request and grant me 14 days to produce a cause for my opposition to the request made by the receiver etc. Document filed by Yves Rose, a non–party investor. (sc) Modified on 8/11/2022 (sc). Modified on 8/12/2022 (tg). (Entered: 08/11/2022)
08/11/2022	<u>103</u>	***STRICKEN DOCUMENT. Document number 103 has been stricken from the case record. The document was stricken from this case pursuant to 106 Order. LETTER addressed to Judge Valerie E. Caproni from Ephel E. Remulus, dated 8/8/22 re: EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022. Document filed by Moise Remulus, a non–party investor. (sc) Modified on 8/11/2022 (sc). Modified on 8/12/2022 (tg). (Entered: 08/11/2022)
08/11/2022	<u>104</u>	***STRICKEN DOCUMENT. Document number 104 has been stricken from the case record. The document was stricken from this case pursuant to 106 Order. LETTER addressed to Judge Valerie E. Caproni from Moise Remulus, dated 8/8/22 re: EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022. Document filed by M. Remulus, a non–party investor.(sc) Modified on 8/12/2022 (tg). (Entered: 08/11/2022)
08/12/2022	<u>105</u>	***STRICKEN DOCUMENT. Document number 105 has been stricken from the case record. The document was stricken from this case pursuant to 147 Order. LETTER from H. Louis–Pierre, dated 8/8/22 re: EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022. Document filed by H. Louis–Pierre, a non–party investor. (sc) Modified on 8/17/2022 (tg). (Entered: 08/12/2022)
08/12/2022	<u>106</u>	ORDER: IT IS HEREBY ORDERED that the Clerk of Court is respectfully directed to strike the investors' letters filed at Dkt. 93–104. If the investors wish to intervene in this matter, they must refile their letters with a Motion to Intervene stating the grounds on which they wish to intervene. The Court notes, however, that the proper method for the investors to air their grievances with the Receiver's

		<p>actions is through the direct methods of communication that were specifically created for EminiFX investors to communicate with the Receiver, as outlined in the Receiver's Letter Application to Approve Supplemental Procedures. See Letter, Dkt. 77 at 2–3. Even if applicants' requests were proper, they fail to meet the "strict" standard under which motions for reconsideration are analyzed. Shrader v. CSX Transp. Inc., 70 F.3d 255, 257 (2d Cir. 1995). A party may obtain relief on a motion for reconsideration "only when the [party] identifies an intervening change of controlling law, the availability of new evidence, or the need to correct a clear error or prevent manifest injustice." Kolel Beth Yechiel Mechil of Tartikov, Inc. v. YLL Irrevocable Tr., 729 F.3d 99, 104 (2d Cir. 2013) (internal quotation omitted). Although the Receiver's request for \$990,777.86 in fees and \$5,660.42 in expenses may appear high, the Court granted the Receiver's motion because the Court found that the fee request was reasonable in light of the Court's experience with the work that was done during the period covered by the fee application. SO ORDERED. (Signed by Judge Valerie E. Caproni on 8/12/2022) (tg) (Entered: 08/12/2022)</p>
08/12/2022	<u>107</u>	MEMORANDUM OF LAW in Opposition re: <u>73</u> MOTION to Stay . . Document filed by Eddy Alexandre. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E).(Bove, Emil) (Entered: 08/12/2022)
08/15/2022	<u>108</u>	***STRICKEN DOCUMENT. Document number <u>108</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from Jean Richard Anthenor, dated 8/8/22 re: EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022. (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/15/2022	<u>109</u>	***STRICKEN DOCUMENT. Document number <u>109</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from Lola Cetoute, dated 8/8/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022". (sc) Modified on 8/16/2022 (sc). Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/15/2022	<u>110</u>	***STRICKEN DOCUMENT. Document number <u>110</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from Jean A. Parent dated 8/9/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022". (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/15/2022	<u>111</u>	***STRICKEN DOCUMENT. Document number <u>111</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from Edwine Sointelny dated 8/8/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022". (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/15/2022	<u>112</u>	***STRICKEN DOCUMENT. Document number <u>112</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from J. Toussaint dated 8/8/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022". (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/15/2022	<u>113</u>	***STRICKEN DOCUMENT. Document number <u>113</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from Joseph Victorin dated 8/8/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022". (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/15/2022	<u>114</u>	***STRICKEN DOCUMENT. Document number <u>114</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from Ipolia Mareus dated 8/8/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022". (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/15/2022	<u>115</u>	***STRICKEN DOCUMENT. Document number <u>115</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from F. Jean–Baptiste dated 8/10/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022". (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)

08/15/2022	<u>116</u>	***STRICKEN DOCUMENT. Document number <u>116</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from Marie Paul Delva dated 8/8/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022". (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/15/2022	<u>117</u>	***STRICKEN DOCUMENT. Document number <u>117</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from Manpaline Townsand, dated 8/8/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022". (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/15/2022	<u>118</u>	***STRICKEN DOCUMENT. Document number <u>118</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from Sharon Dubrezil dated 8/8/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022". (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/15/2022	<u>119</u>	***STRICKEN DOCUMENT. Document number <u>119</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from Petithor Anthonus dated 8/8/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022". (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/15/2022	<u>120</u>	***STRICKEN DOCUMENT. Document number <u>120</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from Annette Dubrezil, dated 8/8/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022". (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/15/2022	<u>121</u>	***STRICKEN DOCUMENT. Document number <u>121</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from Hermana Pascal, dated 8/8/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022". (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/15/2022	<u>122</u>	***STRICKEN DOCUMENT. Document number <u>122</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from Rodna Milor, dated 8/8/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022". (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/15/2022	<u>123</u>	***STRICKEN DOCUMENT. Document number <u>123</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from Mirtha Benjamin, dated 8/8/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022". (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/15/2022	<u>124</u>	***STRICKEN DOCUMENT. Document number <u>124</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from Schneidal Pierre, dated 8/8/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022". (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/15/2022	<u>125</u>	***STRICKEN DOCUMENT. Document number <u>125</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from Augusma Vixsama, dated 8/8/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022". (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/15/2022	<u>126</u>	***STRICKEN DOCUMENT. Document number <u>126</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from Carine Jean Baptiste dated 8/9/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022". (sc) Modified on 8/16/2022 (sc). Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/15/2022	<u>127</u>	***STRICKEN DOCUMENT. Document number <u>127</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge

		Valerie E. Caproni from Sebastian Parent, dated 8/9/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022". (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/15/2022	<u>128</u>	***STRICKEN DOCUMENT. Document number <u>128</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from Jean Paul, dated 8/8/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022". (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/15/2022	<u>129</u>	***STRICKEN DOCUMENT. Document number <u>129</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from Derrick Coppin, dated 8/9/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022". (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/15/2022	<u>130</u>	***STRICKEN DOCUMENT. Document number <u>130</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from Yvette Cetoute, dated 8/8/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022". (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/15/2022	<u>131</u>	***STRICKEN DOCUMENT. Document number <u>131</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from Eveline Saintel–Marius, dated 8/8/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022". (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/15/2022	<u>132</u>	***STRICKEN DOCUMENT. Document number <u>132</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from Wervel Mareus, dated 8/8/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022". (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/15/2022	<u>133</u>	***STRICKEN DOCUMENT. Document number <u>133</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from Valerie Pascal, dated 8/8/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022". (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/15/2022	<u>134</u>	***STRICKEN DOCUMENT. Document number <u>134</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from Birlie Celestie S B, dated 8/8/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022". (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/15/2022	<u>135</u>	***STRICKEN DOCUMENT. Document number <u>135</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from Kettly Jean Baptiste, dated 8/10/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022". (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/15/2022	<u>136</u>	***STRICKEN DOCUMENT. Document number <u>136</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from M. Clotilde Nazaire, dated 8/8/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022". (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/15/2022	<u>137</u>	***STRICKEN DOCUMENT. Document number <u>137</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from Lesly Paul, dated 8/8/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022". (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/15/2022	<u>138</u>	***STRICKEN DOCUMENT. Document number <u>138</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from Annerithe Jean Pierre, dated 8/9/22 re: "EMERGENCY REQUEST TO

		RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022". (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/15/2022	<u>139</u>	***STRICKEN DOCUMENT. Document number <u>139</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from Shadly Obas, dated 8/8/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022." (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/16/2022	<u>140</u>	***STRICKEN DOCUMENT. Document number <u>140</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from Lulianne Casimir, dated 8/8/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022." (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/16/2022	<u>141</u>	***STRICKEN DOCUMENT. Document number <u>141</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from Monique Belizaire, dated 8/8/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022." (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/16/2022	<u>142</u>	***STRICKEN DOCUMENT. Document number <u>142</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from K. Honare, dated 8/8/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022". (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/16/2022	<u>143</u>	***STRICKEN DOCUMENT. Document number <u>143</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from Serge Jean Louis, dated 8/8/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022." (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/16/2022	<u>144</u>	***STRICKEN DOCUMENT. Document number <u>144</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from Joseph Cadet, dated 8/8/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022." (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/16/2022	<u>145</u>	***STRICKEN DOCUMENT. Document number <u>145</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from Luce Castor, dated 8/8/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022". (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/16/2022	<u>146</u>	***STRICKEN DOCUMENT. Document number <u>146</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>147</u> Order. LETTER addressed to Judge Valerie E. Caproni from Gervedy Boyer, a non-party, dated 8/8/22 re: "EMERGENCY REQUEST TO RECONSIDER THE APPROVAL FOR PAYMENT OF FEES & EXPENSES – MAY/JUNE 2022." (sc) Modified on 8/17/2022 (tg). (Entered: 08/16/2022)
08/17/2022	<u>147</u>	MEMO ENDORSEMENT on re: <u>146</u> Letter. ENDORSEMENT: Pursuant to the Court's August 12, 2022, Order, Dkt. 106, the Clerk of Court is respectfully directed to strike the pro se requests for reconsideration from the docket at docket entries 93, 105, and 108–146. The Pro Se Department is respectfully directed to refrain from docketing any further form letters from pro se nonparties seeking reconsideration of the Court's order granting the Receiver's request for fees without approval from Chambers. SO ORDERED. (Signed by Judge Valerie E. Caproni on 8/17/2022) (tg) (Entered: 08/17/2022)
08/18/2022	<u>148</u>	LETTER addressed to Judge Valerie E. Caproni from Emil Bove dated August 18, 2022 re: Violation of Preliminary Injunction. Document filed by Eddy Alexandre..(Bove, Emil) (Entered: 08/18/2022)
08/18/2022	<u>150</u>	ORDER granting <u>149</u> Letter Motion for Extension of Time to File Response/Reply re <u>149</u> LETTER MOTION for Extension of Time to File Response/Reply addressed to Judge Valerie E. Caproni from Jared Lenow dated August 18, 2022. Application GRANTED. SO ORDERED. (Signed by Judge Valerie E. Caproni on 8/18/2022) (tg) (Entered: 08/19/2022)

08/19/2022	<u>149</u>	LETTER MOTION for Extension of Time to File Response/Reply addressed to Judge Valerie E. Caproni from Jared Lenow dated August 18, 2022. Document filed by UNITED STATES OF AMERICA..(Lenow, Jared) (Entered: 08/19/2022)
08/19/2022	<u>151</u>	REPLY to Response to Motion re: <u>73</u> MOTION to Stay . <i>Receivers Reply to Eddy Alexandres Opposition to the Department of Justices Motion for a Stay of Discovery</i> . Document filed by David A Castleman..(Castleman, David) (Entered: 08/19/2022)
08/19/2022	<u>152</u>	REPLY to Response to Motion re: <u>73</u> MOTION to Stay . <i>Plaintiff's Response To Defendant Alexandre's Memorandum In Opposition To Intervenor United States' Motion To Stay</i> . Document filed by Commodity Futures Trading Commission. (Attachments: # <u>1</u> Exhibit A).(Streit, Elizabeth) (Entered: 08/19/2022)
08/23/2022		***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Moshe Assis. The party information for the following party/parties has been modified: Moshe Assis. The information for the party/parties has been modified for the following reason/reasons: party role was entered incorrectly; (lb) (Entered: 08/23/2022)
08/23/2022	<u>153</u>	NOTICE of Substitution of Attorney. Old Attorney: Moshe Assis, New Attorney: Michael E. Greene, Address: Leech Tishman Robinson Brog PLLC, 875 Third Avenue, 9th Floor, New York, New York, USA 10022, 212-603-6300. Document filed by 34th Street Suites LLC..(Greene, Michael) (Entered: 08/23/2022)
08/23/2022	<u>154</u>	ORDER TO SHOW CAUSE: IT IS HEREBY ORDERED that by no later than Friday, August 26, 2022, the Receiver must inform the Court whether it objects to lifting the stay for the purposes of arbitration of the Beils' claim; and IT IS FURTHER ORDERED that the Beils must, no later than Wednesday, August 31, 2022, show cause as to why they should not be held in contempt of court for violating the Court's preliminary injunction entered at Dkt. 55. SO ORDERED. (Signed by Judge Valerie E. Caproni on 8/23/2022) (tg) (Entered: 08/23/2022)
08/24/2022	<u>155</u>	NOTICE OF APPEARANCE by Lori A. Schwartz on behalf of 34th Street Suites LLC..(Schwartz, Lori) (Entered: 08/24/2022)
08/25/2022	<u>156</u>	LETTER addressed to Judge Valerie E. Caproni from David Castleman dated August 25, 2022 re: Letter Response to Order to Show Cause [Dkt. 154]. Document filed by David A Castleman..(Castleman, David) (Entered: 08/25/2022)
08/26/2022	<u>157</u>	REPLY MEMORANDUM OF LAW in Support re: <u>73</u> MOTION to Stay . . Document filed by UNITED STATES OF AMERICA..(Lenow, Jared) (Entered: 08/26/2022)
08/31/2022	<u>158</u>	LETTER addressed to Judge Valerie E. Caproni from Christopher Beil and Maureen Beil dated August 31, 2022 re: response to Court's August 23, 2022 Order to Show Cause. Document filed by Christopher Beil. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B).(Dillon, Scott) (Entered: 08/31/2022)
09/02/2022	<u>159</u>	ORDER IT IS HEREBY ORDERED that the Beils arbitration action is hereby enjoined from proceeding. The Beils only seek arbitration to fix the amount of liquidated damages purportedly due to them from Eddy Alexandres alleged breach of contract; they will be able to raise their claim in the claims process to be established by the Receiver. See Beils' Letter, Ex. A., Dkt. 158. Enforcing the litigation stay effectively preserves the status quo. The Receivership has only recently been established. While the Court is not unsympathetic to the situation that the Beils find themselves in, they need to give the Receiver time to establish a claim process so that he can effectively administer the assets under his control. See Wencke, 742 F.2d at 1231-32 (cited with approval in Byers, 609 F.3d at 91)); see also U.S. Sec. and Exch. Comm'n v. Ahmed, 2019 WL 11824929, at *2. IT IS FURTHER ORDERED that the Court will not hold the Beils in contempt of Court, but the Beils are admonished to follow the Courts orders more carefully in the future. SO ORDERED. (Signed by Judge Valerie E. Caproni on 9/2/2022) (jca) (Entered: 09/02/2022)
09/02/2022	<u>160</u>	ORDER granting <u>73</u> Motion to Stay re: <u>73</u> MOTION to Stay . IT IS HEREBY ORDERED that, for substantially the reasons provided by the United States Attorney, and in the interests of justice, the Court GRANTS both motions and STAYS all discovery in this case. As the Government noted, the criminal case against Defendant Alexandre is scheduled to be tried on March 27, 2023. See USAO Reply, Dkt. 157 at 12. Thus, this stay is for a limited period, which will not prejudice any of the parties in the civil case; to the extent there is any prejudice, it is outweighed by considerations of judicial efficiency. IT IS FURTHER ORDERED that if the currently scheduled trial date is adjourned, Defendant Alexandre can re-raise the question of whether discovery should proceed at that point. To the extent the trial date is adjourned at the request of the Defendant Alexandre, that request will be less likely to be favorably received than if the request to adjourn the trial date is made by the Government. IT IS FURTHER ORDERED that the United States Attorney shall submit a letter to update the Court

		on the status of the related criminal proceedings every ninety days. The first update will be due on December 1, 2022. The United States Attorney shall notify the Court not later than one week after the end of criminal proceedings, not to include delays for sentencing, as against Defendant Alexandre. SO ORDERED. (Signed by Judge Valerie E. Caproni on 9/2/2022) (jca) (Entered: 09/02/2022)
09/06/2022	<u>161</u>	LETTER addressed to Judge Valerie E. Caproni from Christopher Beil and Maureen Beil dated September 6, 2022 re: advising Court of withdrawal of arbitration in compliance with Court's September 2, 2022 Order [ECF Doc. No. 159], with copy of Notice of Discontinuance. Document filed by Christopher Beil..(Dillon, Scott) (Entered: 09/06/2022)
09/21/2022	<u>162</u>	ORDER: IT IS HEREBY ORDERED that the Clerk of Court is respectfully directed to strike the investors' letters contained in the attached exhibit from the docket. If the investors wish to intervene in this matter, they must refile their letters with a Motion to Intervene stating the grounds on which they wish to intervene. However, the Court encourages the investors to air their grievances regarding the Receiver's actions through the direct methods of communication that were specifically created for EminiFX investors to communicate with the Receiver, as outlined in the Receivers Letter Application to Approve Supplemental Procedures. See Letter, Dkt. 77 at 23. And as further set forth herein. SO ORDERED. (Signed by Judge Valerie E. Caproni on 9/21/2022) ***STRICKEN DOCUMENT. Exhibits 1–6 have been stricken from the case record. The exhibits are stricken from this case pursuant to this Order. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6) (anc) (Entered: 09/21/2022)
10/12/2022	<u>163</u>	STATUS REPORT. <i>Second Status Report</i> Document filed by David A Castleman..(Castleman, David) (Entered: 10/12/2022)
10/12/2022	<u>164</u>	LETTER addressed to Judge Valerie E. Caproni from David Castleman dated October 12, 2022 re: Application for Payment of Fees and Expenses (July/August 2022). Document filed by David A Castleman. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5).(Castleman, David) (Entered: 10/12/2022)
10/12/2022	<u>165</u>	***EX-PARTE*** LETTER addressed to Judge Valerie E. Caproni from David Castleman, Receiver dated October 12, 2022 re: Exhibits Under Seal Re Application for Fees and Expenses (July/August 2022). Document filed by David A Castleman. (Attachments: # <u>1</u> Exhibit 1–1 Receiver, # <u>2</u> Exhibit 1–2 Raines Feldman LLP, # <u>3</u> Exhibit 2–1 JS Held LLC, # <u>4</u> Exhibit 3–1 Forchelli Deegan Terrana LLP, # <u>5</u> Exhibit 4–1 Crowe LLP, # <u>6</u> Exhibit 5–1 Stretto, Inc.)Motion or Order to File Under Seal: <u>47</u> .(Castleman, David) (Entered: 10/12/2022)
10/17/2022	<u>166</u>	ORDER: IT IS HEREBY ORDERED that the Clerk of Court is respectfully directed to strike the investors' letters contained in the attached exhibit from the docket. If the investors wish to intervene in this matter, they must refile their letters with a Motion to Intervene stating the grounds on which they wish to intervene. However, the Court encourages the investors to air their grievances regarding the Receivers actions through the direct methods of communication that were specifically created for EminiFX investors to communicate with the Receiver, as outlined in the Receiver's Letter Application to Approve Supplemental Procedures. See Letter, Dkt. 77 at 23. And as further set forth herein. SO ORDERED. (Signed by Judge Valerie E. Caproni on 10/17/2022) ***STRICKEN DOCUMENT. Exhibit 1 has been stricken from the case record. The exhibits are stricken from this case pursuant to this Order. (Attachments: # <u>1</u> Exhibit 1) (anc) (Entered: 10/17/2022)
10/25/2022	<u>167</u>	MEMO ENDORSEMENT on re: <u>164</u> Letter, filed by David A Castleman. ENDORSEMENT: Application GRANTED. SO ORDERED. (Signed by Judge Valerie E. Caproni on 10/25/2022) (tg) Transmission to Finance Unit (Cashiers) for processing. (Entered: 10/25/2022)
10/28/2022	<u>168</u>	ENDORSED LETTER addressed to Judge Valerie E. Caproni dated 10/21/2022 re: I am writing this letter to inform you that I am an investor in EMINIFX, INC and I know COMMODITY FUTURES TRADING COMMISSION has a case against EDDY ALEXANDRE and EMINIFX, INC. (Case No.: 22-cv-3822). If the investors names are going to be publish. I request a favor that my name won't be publish in the investors list. ENDORSEMENT: All investor communications should be directed to the Receiver via the communication lines established for the investors, not to the Court. Letter, Dkt. 164 at 4. The Court notes that, while it has no intention of publishing individual investors' names, if the identities of individual investors become relevant, the Court cannot guarantee that a particular name will not be published. SO ORDERED. (Signed by Judge Valerie E. Caproni on 10/28/2022) (jca) (Entered: 10/28/2022)
11/15/2022	<u>169</u>	JOINT LETTER addressed to Judge Valerie E. Caproni from David Castleman, as Receiver dated November 15, 2022 re: Joint Letter Application re CoinPayments Turnover Agreement. Document filed by David A Castleman. (Attachments: # <u>1</u> Exhibit Turnover Agreement).(Castleman, David) (Entered: 11/15/2022)

11/15/2022	170	LETTER addressed to Judge Valerie E. Caproni from David Castleman, as Receiver dated November 15, 2022 re: Letter Request to Redact Filing of CoinPayments Turnover Agreement 169 . Document filed by David A Castleman..(Castleman, David) (Entered: 11/15/2022)
11/15/2022	171	***SELECTED PARTIES***REDACTION to 170 Letter, 169 Letter, <i>Turnover Agreement</i> by David A Castleman, Eddy Alexandre, Commodity Futures Trading CommissionMotion or Order to File Under Seal: 170 .(Castleman, David) (Entered: 11/15/2022)
11/15/2022	172	MEMO ENDORSEMENT on re: 169 Letter, filed by David A Castleman. ENDORSEMENT: Application GRANTED. SO ORDERED. (Signed by Judge Valerie E. Caproni on 11/15/2022) (tg) (Entered: 11/15/2022)
11/15/2022	173	MEMO ENDORSEMENT: on re: 170 Letter filed by David A Castleman. ENDORSEMENT: Application Granted. SO ORDERED. (Signed by Judge Valerie E. Caproni on 11/15/2022) (ama) (Entered: 11/15/2022)
11/16/2022	174	ENDORSED LETTER addressed to Judge Valerie E. Caproni from Investor dated 11/8/2022 re: Regarding investment. ENDORSEMENT: All investor communications should be directed to the Receiver via the communication lines established for the investors, not to the Court. Letter, Dkt. 164 at 4. The Court notes that, while it has no intention of publishing individual investors' names, if the identities of individual investors become relevant, the Court cannot guarantee that a particular name will not be published. This endorsement will be mailed to the authors of the letters by Chambers. SO ORDERED. (Signed by Judge Valerie E. Caproni on 11/16/2022) (tg) (Entered: 11/16/2022)
11/21/2022	175	LETTER addressed to Judge Valerie E. Caproni from David Castleman, as Receiver dated November 21, 2022 re: Interim Status Report re Turnover of the CoinPayments Asset; and Request for Digital Asset Management Protocol Briefing Schedule. Document filed by David A Castleman..(Castleman, David) (Entered: 11/21/2022)
11/21/2022	176	MEMO ENDORSEMENT on re: 175 Letter, filed by David A Castleman. ENDORSEMENT: Application GRANTED. The Receiver is directed to email the Proposed Protocol to the investor and claimant service list, as described above. The Receiver must also instruct members of the service list not to direct any comments to the Court, including by copying the Court on comments sent to the Receiver, unless the member has made a motion to intervene that has been granted. SO ORDERED. (Signed by Judge Valerie E. Caproni on 11/21/2022) (va) (Entered: 11/22/2022)
12/02/2022	177	LETTER addressed to Judge Valerie E. Caproni from Jared Lenow dated December 2, 2022 re: Update Concerning Parallel Criminal Case. Document filed by UNITED STATES OF AMERICA..(Lenow, Jared) (Entered: 12/02/2022)
12/08/2022	178	LETTER addressed to Judge Valerie E. Caproni from David Castleman, as Receiver dated December 8, 2022 re: Application for Payment of Fees and Expenses September/October 2022. Document filed by David A Castleman. (Attachments: # 1 Exhibit 1 (Receiver and Raines Feldman), # 2 Exhibit 2 (JS Held), # 3 Exhibit 3 (Forchelli Deegan Terrana), # 4 Exhibit 4 (Crowe), # 5 Exhibit 5 (Stretto), # 6 Exhibit 6 (Sorainen)).(Castleman, David) (Entered: 12/08/2022)
12/08/2022	179	***EX-PARTE*** LETTER addressed to Judge Valerie E. Caproni from David Castleman, as Receiver dated December 8, 2022 re: Application for Payment of Fees and Expenses September/October 2022 Exhibits Under Seal. Document filed by David A Castleman. (Attachments: # 1 Exhibit 1-1 (Receiver), # 2 Exhibit 1-2 (Raines Feldman), # 3 Exhibit 2-1 (JS Held), # 4 Exhibit 3-1 (Forchelli Deegan Terrana), # 5 Exhibit 4-1 (Crowe), # 6 Exhibit 5-1 (Stretto), # 7 Exhibit 6-1 (Sorainen))Motion or Order to File Under Seal: 47 .(Castleman, David) (Entered: 12/08/2022)
12/09/2022	180	LETTER MOTION to Expedite <i>Application for Approval of Digital Asset Management Protocol</i> addressed to Judge Valerie E. Caproni from David Castleman, as Receiver dated December 9, 2022. Document filed by David A Castleman. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5).(Castleman, David) (Entered: 12/09/2022)
12/21/2022	181	LETTER addressed to Judge Valerie E. Caproni from David Castleman, as Receiver dated December 21, 2022 re: Investor Feedback re Digital Asset Management Protocol Application. Document filed by David A Castleman. (Attachments: # 1 Exhibit 1 (Certificate of Service), # 2 Exhibit 2 (Form Letter), # 3 Exhibit 3 (Form Letter Variant), # 4 Exhibit 4 (Feedback Compendium)).(Castleman, David) (Entered: 12/21/2022)
12/22/2022	182	LETTER addressed to Judge Valerie E. Caproni from Douglas Snodgrass dated 12/22/2022 re: Reply in Response to Comments Submitted by EminiFX Customers. Document filed by Commodity Futures Trading Commission..(Snodgrass, Douglas) (Entered: 12/22/2022)

12/23/2022	<u>183</u>	LETTER addressed to Judge Valerie E. Caproni from David Castleman, as Receiver dated December 23, 2022 re: Reply Letter re Digital Asset Management Protocol Application. Document filed by David A Castleman..(Castleman, David) (Entered: 12/23/2022)
01/04/2023	<u>184</u>	ORDER granting <u>180</u> Letter Motion to Expedite. The Court agrees with the CFTC and the Receiver that because cryptocurrencies are highly volatile and because the holdings of the Estate will eventually need to be converted to currency to be distributed to investors, the most prudent approach is to divest from Bitcoin and other cryptocurrencies. While the Court is sympathetic to the concerns of EminiFx investors that their investments have, on net, lost value as the price of Bitcoin has fallen, this loss highlights the riskiness of Bitcoin as an investment vehicle and demonstrates the need to move these highly volatile digital assets into dollar-denominated, low-risk assets. Neither the Court, the Receiver, nor the investors can know what the future will bring for the value of Bitcoin or the other cryptocurrencies from now until the Estate is distributed to the investors. The value could go up, down, or remain static. In contrast, the Estate's high-yield money market accounts are highly unlikely to decrease in value and will pay interest, Receiver Reply at 2; accordingly, such accounts are a significantly safer and a more appropriate investment vehicle for the assets of the Estate during the pendency of the Receivership. Furthermore, the proposed protocol appropriately mitigates the risk posed by Bitcoin's price volatility by establishing a process for timely liquidation while also guarding against the risk that price fluctuation on a particular trading day will decrease the liquidation price or that the sale of a large volume of Bitcoin over a short time period will depress the price of Bitcoin. Thus, the Receiver's motion to approve the proposed digital asset management protocol is GRANTED. The Clerk of Court is respectfully directed to terminate the open motion at docket entry 180. SO ORDERED. (Signed by Judge Valerie E. Caproni on 1/4/2023) (tg) (Entered: 01/04/2023)
01/27/2023	<u>185</u>	MEMO ENDORSEMENT on re: <u>178</u> Letter, filed by David A Castleman. ENDORSEMENT: The Court will not reimburse FDT's online legal and document retrieval fees, including WestLaw and PACER, as these expenses are part of FDT's overhead costs. Accordingly, the Receiver's fees request is GRANTED except as to FDT's request for reimbursement of these expenses, and the Court awards FDT \$253.55 in expenses. SO ORDERED. (Signed by Judge Valerie E. Caproni on 1/27/2023) (tg) Transmission to Finance Unit (Cashiers) for processing. (Entered: 01/27/2023)
02/02/2023	<u>186</u>	LETTER addressed to Judge Valerie E. Caproni from David Castleman, as Receiver dated February 2, 2023 re: Letter Application to Approve Substitution of Counsel and Engagement of Additional Limited Scope Professionals. Document filed by David A Castleman..(Castleman, David) (Entered: 02/02/2023)
02/02/2023	<u>187</u>	MEMO ENDORSEMENT: on re: <u>186</u> Letter, filed by David A Castleman. ENDORSEMENT: Application Granted. SO ORDERED., Attorney Christina McPhaul and Kathy Bazoian Phelps terminated. (Signed by Judge Valerie E. Caproni on 2/02/2023) (ama) (Entered: 02/02/2023)
02/02/2023	<u>188</u>	LETTER addressed to Judge Valerie E. Caproni from David Castleman, as Receiver dated February 2, 2023 re: Application for Payment of Fees and Expenses November/December 2022. Document filed by David A Castleman. (Attachments: # <u>1</u> Exhibit 1 (Castleman Affidavit), # <u>2</u> Exhibit 2 (O'Malley Affidavit), # <u>3</u> Exhibit 3 (Luckman Affidavit), # <u>4</u> Exhibit 4 (Tomlinson Affidavit), # <u>5</u> Exhibit 5 (Betance Affidavit)).(Castleman, David) (Entered: 02/02/2023)
02/02/2023	<u>189</u>	***EX-PARTE*** LETTER addressed to Judge Valerie E. Caproni from David Castleman, as Receiver dated February 2, 2023 re: Application for Payment of Fees and Expenses November/December 2022 Exhibits Under Seal [Dkt. 188]. Document filed by David A Castleman. (Attachments: # <u>1</u> Exhibit 1-1 (Receiver Invoices), # <u>2</u> Exhibit 1-2 (Raines Feldman Invoices), # <u>3</u> Exhibit 2-1 (JS Held Invoices), # <u>4</u> Exhibit 3-1 (FDT Invoices), # <u>5</u> Exhibit 4-1 (Crowe Invoices), # <u>6</u> Exhibit 5-1 (Stretto Invoices))Motion or Order to File Under Seal: <u>47</u> .(Castleman, David) (Entered: 02/02/2023)
02/03/2023	<u>190</u>	NOTICE OF APPEARANCE by Erik Bradley Weinick on behalf of Counsel for David Castleman, as Court-Appointed Receiver..(Weinick, Erik) (Entered: 02/03/2023)
02/13/2023	<u>191</u>	MEMO ENDORSEMENT: on re: <u>188</u> Letter filed by David A Castleman. ENDORSEMENT: Application Granted. SO ORDERED. (Signed by Judge Valerie E. Caproni on 2/13/2023) (ama) (Entered: 02/13/2023)
02/15/2023	<u>192</u>	STATUS REPORT. <i>2022 Annual Status Report of Receiver David A. Castleman (Third Status Report)</i> Document filed by David A Castleman..(Castleman, David) (Entered: 02/15/2023)
03/02/2023	<u>193</u>	LETTER addressed to Judge Valerie E. Caproni from Jared Lenow dated March 2, 2023 re: Status of Criminal Case. Document filed by UNITED STATES OF AMERICA..(Lenow, Jared) (Entered: 03/02/2023)

03/02/2023	<u>194</u>	MEMO ENDORSEMENT on re: <u>193</u> Letter filed by UNITED STATES OF AMERICA. ENDORSEMENT: Application GRANTED. Within one week of the Defendant's sentencing, the parties are ordered to submit a joint letter with a proposed schedule for next steps. SO ORDERED. (Signed by Judge Valerie E. Caproni on 3/2/2023) (tg) (Entered: 03/02/2023)
04/28/2023	<u>195</u>	STATUS REPORT. <i>First Quarter 2023 Report of Receiver David A. Castleman (Fourth Status Report)</i> Document filed by David A Castleman..(Castleman, David) (Entered: 04/28/2023)
05/01/2023	<u>196</u>	LETTER addressed to Judge Valerie E. Caproni from David Castleman, as Receiver dated May 1, 2023 re: Application for Payment of Fees and Expenses First Quarter 2023. Document filed by David A Castleman. (Attachments: # <u>1</u> Affidavit 1 (Castleman), # <u>2</u> Affidavit 2 (Weinick), # <u>3</u> Affidavit 3 (O'Malley), # <u>4</u> Affidavit 4 (Luckman), # <u>5</u> Affidavit 5 (Tomlinson), # <u>6</u> Affidavit 6 (Betance)).(Castleman, David) (Entered: 05/01/2023)
05/01/2023	<u>197</u>	***EX-PARTE*** LETTER addressed to Judge Valerie E. Caproni from David Castleman, as Receiver dated May 1, 2023 re: Application for Payment of Fees and Expenses First Quarter 2023 Exhibits Under Seal [Dkt. 196]. Document filed by David A Castleman. (Attachments: # <u>1</u> Exhibit 1-1 (Receiver Invoices), # <u>2</u> Exhibit 2-1 (Otterbourg Invoices), # <u>3</u> Exhibit 3-1 (JS Held Invoices), # <u>4</u> Exhibit 4-1 (FDT Invoices), # <u>5</u> Exhibit 5-1 (Crowe Invoices), # <u>6</u> Exhibit 6-1 (Stretto Invoices))Motion or Order to File Under Seal: <u>47</u> .(Castleman, David) (Entered: 05/01/2023)
05/11/2023	<u>198</u>	MEMO ENDORSEMENT on re: <u>196</u> Letter, filed by David A Castleman. ENDORSEMENT Application GRANTED. SO ORDERED. (Signed by Judge Valerie E. Caproni on 5/11/2023) (jca) Transmission to Finance Unit (Cashiers) for processing. (Entered: 05/11/2023)
05/16/2023	<u>199</u>	STATUS REPORT. <i>Receivers Financial Condition Report of EminiFX</i> Document filed by David A Castleman..(Castleman, David) (Entered: 05/16/2023)
06/05/2023	<u>200</u>	ENDORSED LETTER addressed to Judge Valerie E. Caproni from J. Wil Morris Attorneys for Plaintiffs dated 5/30/2023 re: LETTER MOTION FOR LEAVE TO RETAIN EDDY ALEXANDRE AND EMINIFX AS NECESSARY PARTY DEFENDANTS TO THE ABOVE MATTER. ENDORSEMENT: The Joseph plaintiffs must first move to intervene before they may move to modify the anti-litigation injunction in this case. See S.E.C. v. Callahan, 2 F. Supp. 3d 427, 437-39 (E.D.N.Y. 2014). Any such motion is due no later than Friday, June 16, 2023. The Clerk of Court is respectfully directed to mail a copy of the endorsed letter to J. Wil Morris, 2800 Biscayne Boulevard, Suite 530, Miami, FL 33137. 06/05/2023 SO ORDERED. (Motions due by 6/16/2023.) (Signed by Judge Valerie E. Caproni on 6/5/2023) (tg) Transmission to Docket Assistant Clerk for processing. (Entered: 06/05/2023)
06/06/2023		Mailed a copy of <u>200</u> Endorsed Letter, Set Deadlines to J. Wil Morris at 2800 Biscayne Boulevard, Suite 530, Miami, FL 33137. (kh) (Entered: 06/06/2023)
06/14/2023	<u>201</u>	NOTICE OF APPEARANCE by Jolyon W Morris on behalf of Lorfils Joseph..(Morris, Jolyon) (Entered: 06/14/2023)
06/14/2023	<u>202</u>	NOTICE of Notice of Motion. Document filed by Lorfils Joseph..(Morris, Jolyon) (Entered: 06/14/2023)
06/14/2023	<u>203</u>	MOTION to Intervene . Document filed by Lorfils Joseph. Return Date set for 6/29/2023 at 02:00 PM..(Morris, Jolyon) (Entered: 06/14/2023)
06/15/2023	<u>204</u>	MEMO ENDORSEMENT : on re: <u>202</u> Notice of Motion filed by Lorfils Joseph. ENDORSEMENT: Any responses from Plaintiff, the Defendants, or the Receiver is due by June 28, 2023. Any reply is due by July 7, 2023. SO ORDERED., (Responses due by 6/28/2023, Replies due by 7/7/2023.) (Signed by Judge Valerie E. Caproni on 6/15/2023) (ama) (Entered: 06/16/2023)
06/28/2023	<u>205</u>	LETTER RESPONSE in Opposition to Motion addressed to Judge Valerie E. Caproni from Douglas Snodgrass dated June 28, 2013 re: <u>203</u> MOTION to Intervene .. Document filed by Commodity Futures Trading Commission..(Snodgrass, Douglas) (Entered: 06/28/2023)
06/28/2023	<u>206</u>	DECLARATION of David A. Castleman in Opposition re: <u>203</u> MOTION to Intervene .. Document filed by David A Castleman..(Weinick, Erik) (Entered: 06/28/2023)
06/28/2023	<u>207</u>	MEMORANDUM OF LAW in Opposition re: <u>203</u> MOTION to Intervene . / <i>Receiver's Memorandum of Law in Opposition to the Florida Action Plaintiffs' Motion to Intervene and to Lift the Anti-Litigation Injunction.</i> Document filed by David A Castleman..(Weinick, Erik) (Entered: 06/28/2023)
06/29/2023	<u>208</u>	LETTER addressed to Judge Valerie E. Caproni from Erik B. Weinick dated June 29, 2023 re: Application for Approval of Retention of Special Tax Advisor. Document filed by Counsel for David

		Castleman, as Court–Appointed Receiver..(Weinick, Erik) (Entered: 06/29/2023)
06/30/2023	<u>209</u>	MEMO ENDORSEMENT on re: <u>208</u> Letter filed by Counsel for David Castleman, as Court–Appointed Receiver. ENDORSEMENT: Application GRANTED. SO ORDERED. (Signed by Judge Valerie E. Caproni on 6/30/2023) (tg) (Entered: 06/30/2023)
06/30/2023	<u>210</u>	NOTICE of Withdrawal of Motion to Intervene and to Lift the Anti–Litigation Injunction. Document filed by Lorfils Joseph..(Morris, Jolyon) (Entered: 06/30/2023)
06/30/2023	<u>211</u>	MEMO ENDORSEMENT re: <u>210</u> NOTICE of Withdrawal of Motion to Intervene and to Lift the Anti–Litigation Injunction.; withdrawing <u>203</u> Motion to Intervene. ENDORSEMENT: Application GRANTED. The Clerk of Court is respectfully directed to terminate the open motion at Dkt. 203. SO ORDERED. (Signed by Judge Valerie E. Caproni on 6/30/2023) (tg) (Entered: 06/30/2023)
07/19/2023	<u>212</u>	LETTER addressed to Judge Valerie E. Caproni from Jared Lenow dated July 19, 2023 re: Stay. Document filed by UNITED STATES OF AMERICA..(Lenow, Jared) (Entered: 07/19/2023)
07/20/2023	<u>213</u>	MEMO ENDORSEMENT on re: <u>212</u> Letter filed by UNITED STATES OF AMERICA. ENDORSEMENT: The Court finds that outstanding issues regarding restitution in the criminal case do not warrant a continuance of the stay in this case. Accordingly, the Clerk of Court is direct to lift the stay in this case. The parties are ordered to submit a joint letter with proposed next steps by July 31, 2023. SO ORDERED. Case Stay Lifted. (Signed by Judge Valerie E. Caproni on 7/20/2023) (tg) (Entered: 07/20/2023)
07/24/2023	<u>214</u>	LETTER addressed to Judge Valerie E. Caproni from Emil Bove dated July 24, 2023 re: Adjournment request. Document filed by Eddy Alexandre..(Bove, Emil) (Entered: 07/24/2023)
07/24/2023	<u>215</u>	MEMO ENDORSEMENT on re: <u>214</u> Letter Adjournment request filed by Eddy Alexandre. ENDORSEMENT: Application GRANTED in part. The deadline to submit a joint letter with proposed next steps is August 7, 2023. No further extension requests will be granted absent good cause. SO ORDERED. (Signed by Judge Valerie E. Caproni on 7/24/23) (yv) (Entered: 07/25/2023)
07/26/2023	<u>216</u>	NOTICE OF APPEARANCE by William Michael Moran on behalf of Counsel for David Castleman, as Court–Appointed Receiver..(Moran, William) (Entered: 07/26/2023)
07/26/2023	<u>217</u>	NOTICE OF APPEARANCE by Jennifer S. Feeney on behalf of Counsel for David Castleman, as Court–Appointed Receiver..(Feeney, Jennifer) (Entered: 07/26/2023)
07/28/2023	<u>218</u>	STATUS REPORT. <i>Second Quarter 2023 Status Report of Receiver David A. Castleman (Fifth Status Report)</i> Document filed by David A Castleman..(Castleman, David) (Entered: 07/28/2023)
07/31/2023	<u>219</u>	LETTER addressed to Judge Valerie E. Caproni from David Castleman, as Receiver dated July 31, 2023 re: Application for Payment of Fees and Expenses Second Quarter 2023. Document filed by David A Castleman. (Attachments: # <u>1</u> Exhibit 1 (Castleman Declaration), # <u>2</u> Exhibit 2 (Weinick Declaration), # <u>3</u> Exhibit 3 (O'Malley Declaration), # <u>4</u> Exhibit 4 (Luckman Declaration), # <u>5</u> Exhibit 5 (Reserved), # <u>6</u> Exhibit 6 (Karpuk Declaration), # <u>7</u> Exhibit 7 (McPhaul Affidavit)).(Castleman, David) (Entered: 07/31/2023)
07/31/2023	<u>220</u>	***EX-PARTE*** LETTER addressed to Judge Valerie E. Caproni from David Castleman, as Receiver dated July 31, 2023 re: Application for Payment of Fees and Expenses Second Quarter 2023 Exhibits Under Seal [Dkt. 219]. Document filed by David A Castleman. (Attachments: # <u>1</u> Exhibit 1–1 (Receiver Invoices), # <u>2</u> Exhibit 2–1 (Otterbourg Invoices), # <u>3</u> Exhibit 3–1 (JS Held Invoices), # <u>4</u> Exhibit 4–1 (FDT Invoices), # <u>5</u> Exhibit 6–1 (Stretto Invoices), # <u>6</u> Exhibit 7–1 (Raines Feldman Invoices))Motion or Order to File Under Seal: <u>47</u> .(Castleman, David) (Entered: 07/31/2023)
08/02/2023	<u>221</u>	JOINT LETTER addressed to Judge Valerie E. Caproni from Douglas Snodgrass dated 8/2/2023 re: Scheduling. Document filed by Commodity Futures Trading Commission..(Snodgrass, Douglas) (Entered: 08/02/2023)
08/02/2023	<u>222</u>	MEMO ENDORSEMENT on re: <u>221</u> Letter filed by Commodity Futures Trading Commission ENDORSEMENT Application GRANTED. Defendant must respond to the complaint not later than September 18, 2023. SO ORDERED. Eddy Alexandre answer due 9/18/2023. (Signed by Judge Valerie E. Caproni on 8/2/2023) (jca) (Entered: 08/03/2023)
08/10/2023	<u>223</u>	MOTION / Notice of the Receiver's Motion for Entry of an Order (I) Approving Procedures for the Verification of User Contributions to and Withdrawal From Eminifx, (II) Setting a Bar Date for the Filing of Non–User Claims, (III) Establishing Notice Procedures, and (IV) Granting Related Relief . Document filed by Counsel for David Castleman, as Court–Appointed Receiver..(Feeney, Jennifer) (Entered: 08/10/2023)

08/10/2023	224	DECLARATION of David A. Castleman in Support re: 223 MOTION / Notice of the Receiver's Motion for Entry of an Order (I) Approving Procedures for the Verification of User Contributions to and Withdrawal From Eminifx, (II) Setting a Bar Date for the Filing of Non-User Claims, (III) Establishing Not. Document filed by Counsel for David Castleman, as Court-Appointed Receiver. (Attachments: # 1 Exhibit A. Proof of Claim Form, # 2 Exhibit B. Bar Date Notice, # 3 Exhibit C. Bar Date Publication Notice).(Feeney, Jennifer) (Entered: 08/10/2023)
08/10/2023	225	MEMORANDUM OF LAW in Support re: 223 MOTION / Notice of the Receiver's Motion for Entry of an Order (I) Approving Procedures for the Verification of User Contributions to and Withdrawal From Eminifx, (II) Setting a Bar Date for the Filing of Non-User Claims, (III) Establishing Not . Document filed by Counsel for David Castleman, as Court-Appointed Receiver..(Feeney, Jennifer) (Entered: 08/10/2023)
08/10/2023	226	PROPOSED ORDER. Document filed by Counsel for David Castleman, as Court-Appointed Receiver. Related Document Number: 223 ..(Feeney, Jennifer) Proposed Order to be reviewed by Clerk's Office staff. (Entered: 08/10/2023)
08/10/2023	227	MEMO ENDORSEMENT on re: 219 Letter,, filed by David A Castleman. ENDORSEMENT: Application GRANTED. SO ORDERED. (Signed by Judge Valerie E. Caproni on 8/10/2023) (tg) (Entered: 08/10/2023)
08/11/2023		***NOTICE TO COURT REGARDING PROPOSED ORDER. Document No. 226 Proposed Order was reviewed and approved as to form. (nd) (Entered: 08/11/2023)
08/29/2023	228	ORDER (I) APPROVING PROCEDURES FOR THE VERIFICATION OF USER CONTRIBUTIONS TO AND WITHDRAWALS FROM EMINIFX, (II) SETTING A BAR DATE FOR THE FILING OF NON-USER CLAIMS, (III) ESTABLISHING NOTICE PROCEDURES, AND (IV) GRANTING RELATED RELIEF granting 223 Motion / Notice of the Receiver's Motion for Entry of an Order (I) Approving Procedures for the Verification of User Contributions to and Withdrawal From Eminifx, (II) Setting a Bar Date for the Filing of Non-User Claims, (III) Establishing Notice Procedures, and (IV) Granting Related Relief. Based upon the record herein and after due deliberation it is hereby ORDERED THAT: 1. The Motion is GRANTED in all respects. 2. All objections not withdrawn or specifically resolved by this Order are overruled in all respects. 3. The Procedures attached hereto as Exhibit A are approved, including all dates and deadlines set forth therein, as may be extended. 4. The Receiver is authorized to implement the Procedures attached hereto as Exhibit A. 5. The Receiver is permitted, in his reasonable judgment, to modify the Procedures without further order of this Court if doing so will not impair substantive rights of the Users or Claimants, so long as he maintains a current version of the Procedures that is accessible by members of the public at https://www.eminifxreceivership.com/ , and states in each status report how the Procedures have changed from the last most recent iteration, if at all. However, if the Receiver deems a modification of the Procedures to require Court approval, the Receiver may seek authority from this Court to amend the Procedures. 6. The Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order. 7. This Order shall be immediately effective and enforceable upon its entry. SO ORDERED. (Signed by Judge Valerie E. Caproni on 8/29/2023) (vfr) (Entered: 08/29/2023)
09/13/2023	229	LETTER addressed to Judge Valerie E. Caproni from Emil Bove dated September 13, 2023 re: Adjournment request. Document filed by Eddy Alexandre..(Bove, Emil) (Entered: 09/13/2023)
09/13/2023	230	MEMO ENDORSEMENT: on re: 229 Letter filed by Eddy Alexandre. ENDORSEMENT: Application GRANTED. Defendants are ordered to answer or otherwise respond to the Complaint by October 18, 2023. SO ORDERED., Eddy Alexandre answer due 10/18/2023. (Signed by Judge Valerie E. Caproni on 9/13/2023) (ama) (Entered: 09/13/2023)
10/17/2023	231	LETTER addressed to Judge Valerie E. Caproni from Emil Bove dated October 17, 2023 re: Adjournment Request. Document filed by Eddy Alexandre..(Bove, Emil) (Entered: 10/17/2023)
10/18/2023	232	LETTER addressed to Judge Valerie E. Caproni from Jennifer S. Feeney dated October 18, 2023 re: Adjournment Request 231 . Document filed by Counsel for David Castleman, as Court-Appointed Receiver..(Feeney, Jennifer) (Entered: 10/18/2023)
10/18/2023	233	MEMO ENDORSEMENT on re: 231 Letter filed by Eddy Alexandre. ENDORSEMENT: Application GRANTED. The deadline for Defendants to answer or otherwise respond to the complaint is ADJOURNED to December 4, 2023. The parties are reminded that, pursuant to Rule 2(C) of the Undersigned's Individual Practices, all adjournment or extension requests are due at least 48 business hours prior to the deadline. SO ORDERED. Eddy Alexandre answer due 12/4/2023; Eminifx Inc. answer due 12/4/2023. (Signed by Judge Valerie E. Caproni on 10/18/2023) (tg) (Entered: 10/18/2023)

10/27/2023	<u>234</u>	STATUS REPORT. <i>Third Quarter 2023 Status Report of Receiver David A. Castleman (Sixth Status Report)</i> Document filed by David A Castleman..(Castleman, David) (Entered: 10/27/2023)
10/30/2023	<u>235</u>	LETTER addressed to Judge Valerie E. Caproni from David Castleman, as Receiver dated October 30, 2023 re: Application for Payment of Fees and Expenses Third Quarter 2023. Document filed by David A Castleman. (Attachments: # <u>1</u> Exhibit 1 (Castleman), # <u>2</u> Exhibit 2 (Feeney), # <u>3</u> Exhibit 3 (O'Malley), # <u>4</u> Exhibit 4 (Dougherty), # <u>5</u> Exhibit 5 (Tomlinson), # <u>6</u> Exhibit 6 (Karpuk)).(Castleman, David) (Entered: 10/30/2023)
10/30/2023	<u>236</u>	***EX-PARTE*** LETTER addressed to Judge Valerie E. Caproni from David Castleman, as Receiver dated October 30, 2023 re: Application for Payment of Fees and Expenses Third Quarter 2023 Exhibits Under Seal [Dkt. 235]. Document filed by David A Castleman. (Attachments: # <u>1</u> Exhibit 1–1 (Receiver Invoices), # <u>2</u> Exhibit 2–1 (Otterbourg Invoices), # <u>3</u> Exhibit 3–1 (JS Held Invoices), # <u>4</u> Exhibit 4–1 (Deloitte Tax Invoices), # <u>5</u> Exhibit 5–1 (Crowe Invoices), # <u>6</u> Exhibit 6–1 (Stretto Invoices))Motion or Order to File Under Seal: <u>47</u> .(Castleman, David) (Entered: 10/30/2023)
11/15/2023	<u>237</u>	MEMO ENDORSEMENT on re: <u>235</u> Letter, filed by David A Castleman. ENDORSEMENT: Application GRANTED. SO ORDERED. (Signed by Judge Valerie E. Caproni on 11/15/2023) (tg) (Entered: 11/15/2023)
11/30/2023	<u>238</u>	LETTER MOTION for Extension of Time to File Answer (<i>Unopposed</i>) addressed to Judge Valerie E. Caproni from Douglas Snodgrass dated 11/30/2023. Document filed by Commodity Futures Trading Commission..(Snodgrass, Douglas) (Entered: 11/30/2023)
12/01/2023	<u>239</u>	ORDER granting <u>238</u> Letter Motion for Extension of Time to Answer re <u>238</u> LETTER MOTION for Extension of Time to File Answer (<i>Unopposed</i>) addressed to Judge Valerie E. Caproni from Douglas Snodgrass dated 11/30/2023., <u>5</u> Complaint. Application GRANTED. Defendants' deadline to answer or otherwise respond to the Complaint is hereby extended from Monday, December 4, 2023, to Monday, December 18, 2023. The Court is highly unlikely to grant any further extension requests. The Court will set a deadline to file an executed consent order if and when the parties reach an agreement in principle. SO ORDERED. Eddy Alexandre answer due 12/18/2023; Eminifx Inc. answer due 12/18/2023. (Signed by Judge Valerie E. Caproni on 12/1/2023) (tg) (Entered: 12/01/2023)
12/14/2023	<u>240</u>	LETTER addressed to Judge Valerie E. Caproni from P. Acluche, Jean R. Rene, Joel Bonnet, Simone Zephir, Anes Charles, Denise Antoine, Jean V. St. Fleur et al., dated 12/12/23 re: We are writing as a group of investors in EminiFX. We submit this motion to intervene in this case pursuant to Rule 24 of the Federal Rules of Civil Procedure. (sc) (Entered: 12/15/2023)
12/18/2023	<u>241</u>	CONSENT LETTER MOTION for Extension of Time <i>due to agreement in principle on a consent order</i> addressed to Judge Valerie E. Caproni from Douglas Snodgrass dated 12/18/2023. Document filed by Commodity Futures Trading Commission..(Snodgrass, Douglas) (Entered: 12/18/2023)
12/18/2023	<u>242</u>	MEMO ENDORSEMENT on re: <u>240</u> Letter. ENDORSEMENT: Application DENIED without prejudice. A motion to intervene must include a notice of motion, a memorandum of law, and supportive affidavits and exhibits containing any factual information and portions of the record necessary for the Court to resolve the motion. See S.D.N.Y. Local Rule 7.1. The EminiFX investors may wish to contact the New York Legal Assistance Group, see https://nylag.org/gethelp/ , or the Pro Se Intake Unit, see https://www.nysd.uscourts.gov/prose/role-of-the-prose-intake-unit/contact , for assistance proceeding pro se in federal court. To seek intervention as of right, applicants must show that: "(1) the application is timely; (2) the applicant has a significant protectable interest relating to the property or transaction that is the subject of the action; (3) the disposition of the action may practically impair the applicant's ability to protect its interest; and (4) the existing parties may not adequately represent the applicant's interest." <i>United States v. Pitney Bowes, Inc.</i> , 25 F.3d 66, 69 (2d Cir. 1994). Courts may consider the same factors when deciding whether permissive intervention is proper. See <i>R Best Produce, Inc. v. ShulmanRabin Mktg. Corp.</i> , 467 F.3d 238, 240 (2d Cir. 2006). The Court will not grant a motion to intervene based on conclusory allegations that the requirements under Federal Rule of Civil Procedure 24 are satisfied. See <i>Floyd v. City of New York</i> , 302 F.R.D. 69, 100–01 (S.D.N.Y. 2014) (denying a motion to intervene in part because the purported intervenors offered "only conclusory allegations without any supporting factual details"). Moreover, courts are generally "reluctant to allow private parties to intervene in government enforcement actions." <i>CFTC v. Efrosman</i> , No. 05–CV–8422 (KMW), 2012 WL 2510338, at *4 (S.D.N.Y. June 26, 2012) (explaining that courts have denied intervention because it "places undue costs and burdens on the government" and concluding that the CFTC adequately represented investors' interests in a CFTC enforcement action). SO ORDERED. (Signed by Judge Valerie E. Caproni on 12/18/2023) (tg) (Entered: 12/18/2023)
12/18/2023	<u>243</u>	ORDER granting <u>241</u> Letter Motion for Extension of Time. Application GRANTED. The Clerk of Court is respectfully directed to STAY the case. Not later than Friday, February 16, 2024, the parties

		must file a proposed consent order. SO ORDERED. (Signed by Judge Valerie E. Caproni on 12/18/2023) (tg) (Entered: 12/18/2023)
12/18/2023		Case Stayed (tg) (Entered: 12/18/2023)
12/26/2023	<u>244</u>	LETTER addressed to Judge Valerie E. Caproni from David Castleman, as Receiver dated December 26, 2023 re: Application for Supplemental Authority to Pay Certain Expenses. Document filed by David A Castleman..(Castleman, David) (Entered: 12/26/2023)
01/05/2024	<u>245</u>	MEMO ENDORSEMENT on re: <u>244</u> Letter Application for Supplemental Authority to Pay Certain Expenses filed by David A Castleman. ENDORSEMENT : Application GRANTED. The Receiver is hereby authorized to pay the \$38,000 filing fee charged by the IRS for a closing agreement and up to \$50,000 to provide supplemental public notice in connection with the Court's August 29, 2023 order. SO ORDERED. (Signed by Judge Valerie E. Caproni on 1/5/24) (yv) Transmission to Finance Unit (Cashiers) for processing. (Entered: 01/05/2024)
01/18/2024	<u>246</u>	EMINIFX INVESTORS' MOTION TO INTERVENE.(sc) (Entered: 01/19/2024)
01/22/2024	<u>247</u>	MEMO ENDORSEMENT with respect to <u>246</u> Motion to Intervene. ENDORSEMENT: Any response to the Eminifx investors' motion is due not later than Friday, February 2, 2024. Any reply in support of the Eminifx investors' motion is due not later than Friday, February 9, 2024. The Eminifx investors are encouraged to consent to receive filings in this case electronically, as set forth on the Court's website: https://www.nysd.uscourts.gov/sites/default/files/2021-03/Consent_Pro-Se_Eservice-Instructions.pdf . The Clerk of Court is respectfully directed to mail a copy of this Order to Pierre Acluche, 905 Hines Ave., Lehigh Acres, FL 33972. SO ORDERED. (Signed by Judge Valerie E. Caproni on 1/22/2024) (tg) Transmission to Docket Assistant Clerk for processing. (Entered: 01/22/2024)
01/22/2024		Set/Reset Deadlines: Responses due by 2/2/2024 Replies due by 2/9/2024. (tg) (Entered: 01/22/2024)
01/22/2024		Mailed a copy of <u>247</u> Order on Motion to Intervene to Pierre Acluche, 905 Hines Ave., Lehigh Acres, FL 33972.. (nb) (Entered: 01/22/2024)
01/23/2024	<u>248</u>	LETTER addressed to Judge Valerie E. Caproni from Jennifer S. Feeney dated January 23, 2024 re: Application for Approval of Settlement Agreement. Document filed by Counsel for David Castleman, as Court-Appointed Receiver. (Attachments: # <u>1</u> Exhibit A – CoinPayments Stipulation Resolving Claim).(Feeney, Jennifer) (Entered: 01/23/2024)
01/26/2024	<u>249</u>	MEMO ENDORSEMENT on re: <u>248</u> Letter, filed by Counsel for David Castleman, as Court-Appointed Receiver. ENDORSEMENT: Application GRANTED. The Receiver is hereby authorized to enter into the Settlement Agreement and to take all actions to implement the Settlement Agreement, including payment of the Allowed Claim. SO ORDERED. (Signed by Judge Valerie E. Caproni on 1/26/2024) (tg) (Entered: 01/26/2024)
01/26/2024	<u>250</u>	RESPONSE to Motion re: <u>246</u> MOTION to Intervene. <i>/Response to Investors' Motion to Intervene.</i> Document filed by Counsel for David Castleman, as Court-Appointed Receiver..(Feeney, Jennifer) (Entered: 01/26/2024)
01/26/2024	<u>251</u>	STATUS REPORT. <i>2023 Annual Report of Receiver David A. Castleman (Seventh Status Report)</i> Document filed by David A Castleman. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2).(Castleman, David) (Entered: 01/26/2024)
01/31/2024	<u>252</u>	LETTER RESPONSE in Opposition to Motion addressed to Judge Valerie E. Caproni from Douglas Snodgrass dated January 31, 2024 re: <u>246</u> MOTION to Intervene. . Document filed by Commodity Futures Trading Commission..(Snodgrass, Douglas) (Entered: 01/31/2024)
02/06/2024	<u>253</u>	LETTER addressed to Judge Valerie E. Caproni from David Castleman, as Receiver dated February 6, 2024 re: Application for Payment of Fees and Expenses Fourth Quarter 2023. Document filed by David A Castleman. (Attachments: # <u>1</u> Exhibit 1 (Castleman), # <u>2</u> Exhibit 2 (Feeney), # <u>3</u> Exhibit 3 (O'Malley), # <u>4</u> Exhibit 4 (Reserved), # <u>5</u> Exhibit 5 (Tomlinson), # <u>6</u> Exhibit 6 (Karpuk).(Castleman, David) (Entered: 02/06/2024)
02/06/2024	<u>254</u>	***EX-PARTE*** LETTER addressed to Judge Valerie E. Caproni from David Castleman, as Receiver dated February 6, 2024 re: Application for Payment of Fees and Expenses Fourth Quarter 2023 Exhibits Under Seal <u>253</u> . Document filed by David A Castleman. (Attachments: # <u>1</u> Exhibit 1–1 (Castleman), # <u>2</u> Exhibit 2–1 (Otterbourg), # <u>3</u> Exhibit 3–1 (JS Held), # <u>4</u> Exhibit 4–1 (Reserved), # <u>5</u> Exhibit 5–1 (Crowe), # <u>6</u> Exhibit 6–1 (Stretto))Motion or Order to File Under Seal: <u>47</u> .(Castleman, David) (Entered: 02/06/2024)

02/09/2024	255	MEMO ENDORSEMENT on re: 253 Letter, filed by David A Castleman. ENDORSEMENT: Application GRANTED. SO ORDERED. (Signed by Judge Valerie E. Caproni on 2/9/2024) (tg) (Entered: 02/09/2024)
02/14/2024	256	ORDER denying 246 Motion to Intervene. IT IS HEREBY ORDERED that the Motion is DENIED because the EminiFX Investors' interests are adequately represented by the CFTC. As further set forth by this Order. For all of those reasons, the EminiFX Investors are not entitled to intervene in this action, and the Motion is DENIED. The Clerk of Court is respectfully directed to close the open motion at Docket Entry 246 and to mail a copy of this Order to Pierre Acluche, 905 Hines Ave., Lehigh Acres, FL 33972. SO ORDERED. (Signed by Judge Valerie E. Caproni on 2/14/2024) (tg) Transmission to Docket Assistant Clerk for processing. (Entered: 02/14/2024)
02/14/2024	257	LETTER addressed to Judge Valerie E. Caproni from Emil Bove dated February 14, 2024 re: Withdrawal Request. Document filed by Eddy Alexandre..(Bove, Emil) (Entered: 02/14/2024)
02/15/2024	258	MEMO ENDORSEMENT: on re: 257 Letter filed by Eddy Alexandre. ENDORSEMENT: Application GRANTED in part and DENIED in part. The deadline for the CFTC to file a consent order or for Defendant to file a responsive pleading is ADJOURNED sine die. The Clerk of Court is respectfully directed to lift the stay of this case. Not later than February 20, 2024, Melissa Wernick must submit a letter stating whether she still represents Mr. Alexandre. If she does not, she must make a motion to be relieved by February 20, 2024. The Clerk of Court is respectfully directed to terminate Mr. Bove's appearance on the docket and to mail a copy of this order to Eddy Alexandre, Reg. No. 00712-510, FCC Allenwood-Low, P.O. Box 1000, White Deer, PA 17887, and to note the mailing on the docket. SO ORDERED., (Motions due by 2/20/2024.), Attorney Emil Bove terminated. (Signed by Judge Valerie E. Caproni on 2/15/2024) (ama) (Entered: 02/15/2024)
02/15/2024		Case Stay Lifted. (ama) (Entered: 02/15/2024)
02/15/2024		Transmission to Docket Assistant Clerk. Transmitted re: 258 Memo Endorsement, Set Deadlines/Hearings, Add and Terminate Attorneys,,,,,,, to the Docket Assistant Clerk for case processing..(ama) (Entered: 02/15/2024)
02/16/2024		Mailed a copy of 258 Memo Endorsement, Set Deadlines/Hearings to Eddy Alexandre, Reg. No. 00712-510, FCC Allenwood-Low, P.O. Box 1000, White Deer, PA 17887. (nb) (Entered: 02/16/2024)
02/20/2024	259	LETTER addressed to Judge Valerie E. Caproni from Melissa F. Wernick, Esq. dated February 20, 2024 re: Responding to Court's Directive of February 15, 2024. Document filed by Eddy Alexandre..(Wernick, Melissa) (Entered: 02/20/2024)
02/20/2024	260	MOTION for Melissa F. Wernick, Esq. to Withdraw as Attorney . Document filed by Eddy Alexandre. (Attachments: # 1 Affidavit /Declaration of Melissa F. Wernick, Esq. in Support of Motion to Withdraw, # 2 Proposed Order Text of Proposed Order).(Wernick, Melissa) (Entered: 02/20/2024)
02/20/2024	261	ORDER granting 260 Motion to Withdraw as Attorney. THIS MATTER having been opened to the Court by motion of Chiesa Shahinian & Giantomaso PC ("CSG"), withdrawing counsel for Defendant Eddy Alexandre ("Alexandre"), for an Order pursuant to Local R. 1.4, granting leave for CSG and attorney Melissa Wernick, Esq. to withdraw as counsel; and the Court having considered the papers submitted in connection with this application, and argument of counsel, if any; and for good cause shown; IT IS on this 20 day of February 2024. ORDERED AS FOLLOWS: 1. The law firm of Chiesa Shahinian & Giantomaso PC, including Melissa Wernick, Esq., is hereby granted leave to withdraw as counsel for Mr. Alexandre. 2. The law firm of Chiesa Shahinian & Giantomaso PC is hereby and hereafter deemed withdrawn as counsel for Mr. Alexandre in this action. 3. The Clerk of Court is respectfully directed to mail a copy of this order to Mr. Alexandre as follows and to note the mailing on the docket: Eddy Alexandre, Reg. No. 00712-510, FCC Allenwood-Low, x 1000, White Deer, PA 17887. SO ORDERED. The Clerk of Court is respectfully directed to terminate Ms. Wernick from the docket. Attorney Melissa Falk Wernick terminated. (Signed by Judge Valerie E. Caproni on 2/20/2024) (tg) (Entered: 02/21/2024)
02/21/2024	262	ORDER: IT IS HEREBY ORDERED that the Defendants' deadline to file a responsive pleading is March 1, 2024. The Clerk of Court is respectfully directed to mail a copy of this order to Eddy Alexandre, Reg. No. 00712-510, FCC Allenwood-Low, P.O. Box 1000, White Deer, PA 17887, and to note the mailing on the docket. IT IS FURTHER ORDERED that, not later than March 1, 2024, the CFTC must file a letter stating whether EminiFX, Inc. remains a defendant in this case. IT IS FURTHER ORDERED that the Clerk of Court is respectfully directed to enter Eddy Alexandre's appearance on behalf of himself, and to note in the pro se appearance his mailing address of Reg. No. 00712-510, FCC Allenwood-Low, P.O. Box 1000, White Deer, PA 17887. SO ORDERED. (Signed by Judge Valerie E. Caproni on 2/21/2024) (tg) Transmission to Docket Assistant Clerk for processing. (Entered: 02/21/2024)

02/22/2024		Mailed a copy of <u>262</u> Order, <u>261</u> Order on Motion to Withdraw as Attorney, to Reg. No. 00712-510, FCC Allenwood-Low, P.O. Box 1000, White Deer, PA 17887. (nb) (Entered: 02/22/2024)
02/27/2024	<u>263</u>	LETTER addressed to Judge Valerie E. Caproni from Douglas Snodgrass dated 2/27/2024 re: the Status of EminiFX as a Party. Document filed by Commodity Futures Trading Commission..(Snodgrass, Douglas) (Entered: 02/27/2024)
02/28/2024	<u>265</u>	LETTER rom E. Alexandre, dated 2/23/24 re: I would like to know how to get a copy of the local rules of the SDNY. Please assist with this request etc. I am currently incarcerated at the FCC Allenwood Low and have an upcoming deadline. Document filed by Eddy Alexandre.(sc) (Entered: 03/01/2024)
02/29/2024	<u>264</u>	ANSWER to <u>5</u> Complaint. Document filed by Counsel for David Castleman, as Court-Appointed Receiver..(Moran, William) (Entered: 02/29/2024)
03/01/2024	<u>266</u>	MEMO ENDORSEMENT on re: <u>265</u> Letter, filed by Eddy Alexandre ENDORSEMENT Application GRANTED. The Clerk of Court is respectfully directed to mail Defendant Eddy Alexandre a copy of the pro se information package and to note the mailing on the docket. SO ORDERED. (Signed by Judge Valerie E. Caproni on 3/1/2024) (jca) Transmission to Docket Assistant Clerk for processing. (Entered: 03/01/2024)
03/01/2024		Mailed a copy of <u>266</u> Memo Endorsement and pro se information package, to Eddy Alexandre Reg. No. 00712-51 FCC Allenwood-Low P.O. Box 1000 White Deer, PA 17887. (nb) (Entered: 03/01/2024)
03/05/2024	<u>267</u>	LETTER addressed to Judge Valerie E. Caproni from Eddy Alexandre Ex-CEO and Founder EminiFX, Inc. dated 2/28/2024 re: I am, Eddy Alexandre, the primary pro se defendant in the case before you as brought by the CFTC against my person and EminiFX, Inc. I write in res-pone to the Court's directives of February 15 & February 21, 2024, and respect fully moves the Court to request an order providing an enlargement of time to allow a proper answer to the complaint in my responsive pleading pursuant to Fed R. Civ. P. (FRCP) 8(b). The rule states in whole or in part that the Defendant must then either admit or deny the allegations within each paragraph, therefore care must be taken to respond to each allegation in full. I am not yet in possession of the CFTC's complaint to provide an adequate answer as further set forth in the body of the letter seeking an order for enlargement of time of 30 days. This letter can be construed as a letter or motion to extend the deadline to April 1, 2024. Document filed by Eddy Alexandre.(tg) (Entered: 03/05/2024)
03/05/2024	<u>268</u>	MEMO ENDORSEMENT on re: <u>267</u> Letter,,, filed by Eddy Alexandre. ENDORSEMENT: Mr. Alexandre's deadline to answer or otherwise respond to the complaint is April 1, 2024. The Court is highly unlikely to grant any further extensions absent extraordinarily good cause. Mr. Alexandre is reminded that, because he is proceeding pro se, he is responsible for ensuring that he has access to the documents he needs to litigate this matter, not former defense counsel. Mr. Alexandre is further advised that all scheduling requests or notice must be made in writing, not telephonically. The Clerk of Court is respectfully directed to mail a copy of the endorsed order and the Complaint at Dkt. 5 to Mr. Alexandre and to note the mailing on the docket. SO ORDERED. Eddy Alexandre answer due 4/1/2024. (Signed by Judge Valerie E. Caproni on 3/5/2024) (tg) Transmission to Docket Assistant Clerk for processing. (Entered: 03/05/2024)
03/05/2024		Mailed a copy of <u>268</u> Memo Endorsement, <u>5</u> Complaint to Eddy Alexandre Reg. No. 00712-51 FCC Allenwood-Low P.O. Box 1000 White Deer, PA 17887. (nb) (Entered: 03/05/2024)
03/06/2024	<u>269</u>	LETTER addressed to Judge Valerie E. Caproni from E. Alexandre, dated 2/28/24 re: I write in response to the Court's directives of 2/15/24 & 2/21/24, and respectfully move the Court to request an order providing an enlargement of time to allow a proper answer to the complaint in my responsive pleading etc. Document filed by Eddy Alexandre.(sc) (Entered: 03/07/2024)
03/08/2024	<u>270</u>	SEALED DOCUMENT placed in vault.(nmo) (Entered: 03/08/2024)
03/08/2024	<u>273</u>	LETTER addressed to Judge Valerie E. Caproni from Eddy Alexandre dated 3/1/2024 re: withdrawal of Mr. Bowe as the lead attorney. Document filed by Eddy Alexandre.(rro) (Entered: 03/14/2024)
03/12/2024	<u>271</u>	LETTER: addressed to Judge Valerie E. Caproni from Eddie Alexander dated 3/05/2024 re: I am writing as a follow up to the response provided by the Commodity Futures Trading Commission Dkt. 263. Document filed by Eddy Alexandre..(ama) (Entered: 03/12/2024)
03/12/2024	<u>272</u>	MEMO ENDORSEMENT on re: <u>271</u> Letter filed by Eddy Alexandre. ENDORSEMENT: The Receiver is ordered to respond by March 26, 2024. The Clerk of Court is respectfully directed to mail a copy of this Order to Mr. Alexandre and to note the mailing on the docket. SO ORDERED. (Signed by Judge Valerie E. Caproni on 3/12/2024) (tg) Transmission to Docket Assistant Clerk for processing. (Entered: 03/13/2024)

03/14/2024	<u>274</u>	MEMO ENDORSEMENT on re: <u>273</u> Letter filed by Eddy Alexandre. ENDORSEMENT: Not later than March 20, 2024, Mr. Bove is ordered to confirm that he provided a copy of the ex parte motion to withdraw to Mr. Alexandre and to state what steps he has taken to transfer his case file to Mr. Alexandre. The Clerk of Court is ordered to mail a copy of this Order and a copy of the Preliminary Injunction at Dkt. 56, to Mr. Alexandre, who is proceeding pro se, and to note the mailing on the docket. SO ORDERED. (Signed by Judge Valerie E. Caproni on 3/14/2024) (tg) Transmission to Docket Assistant Clerk for processing. (Entered: 03/14/2024)
03/14/2024		MAILING RECEIPT: Document No: 272-274. Mailed to: Eddy Alexandre Reg.No.00712-510 P.O. Box 1000 White Deer, PA 17887. (vn) Modified on 3/15/2024 (vn). (Entered: 03/14/2024)
03/14/2024	<u>275</u>	LETTER addressed to Judge Valerie E. Caproni from William M. Moran dated March 14, 2024 re: Receiver's Response to the March 5, 2024 Letter of Eddy Alexandre (responding to Dkt. 271).. Document filed by Counsel for David Castleman, as Court-Appointed Receiver..(Moran, William) (Entered: 03/14/2024)
03/14/2024	<u>276</u>	LETTER addressed to Judge Valerie E. Caproni from Douglas Snodgrass dated 3/14/2024 re: CFTC's Response to Alexandre's Letter of March 5, 2024 (Dkt. 271). Document filed by Commodity Futures Trading Commission..(Snodgrass, Douglas) (Entered: 03/14/2024)
03/15/2024	<u>277</u>	MEMO ENDORSEMENT on re: <u>275</u> Letter, filed by Counsel for David Castleman, as Court-Appointed Receiver. ENDORSEMENT: Mr. Alexandre's request for the appointment of additional counsel to represent Defendant EminiFX, Inc. is DENIED. The Court appointed the Receiver and granted him "all powers, authorities, rights and privileges heretofore possessed by" EminiFX. Order, Dkt. 9 Paragraph 30. This includes the power to retain counsel to defend EminiFX. The Receiver – not the CFTC – has appropriately exercised this power and appointed the law firm Ottenbourg P.C. to represent EminiFX in this litigation. It is standard practice for a Receiver to engage in litigation on behalf of the entity it represents. See, e.g., S.E.C. v. Byers, 609 F.3d 87, 90 (2d Cir. 2010) (listing powers of receiver in securities enforcement case involving an alleged Ponzi scheme). The Receiver has appropriately and effectively carried out his duties to date, and the Court has no reason to speculate that he will not continue to do so. The Clerk of Court is respectfully directed to mail a copy of the endorsed Order to Mr. Alexandre and to note the mailing on the docket. SO ORDERED. (Signed by Judge Valerie E. Caproni on 3/15/2024) (tg) Transmission to Docket Assistant Clerk for processing. (Entered: 03/15/2024)
03/15/2024		MAILING RECEIPT: Document No: 277. Mailed to: Eddy Alexandre Reg.No.00712-510 P.O. Box 1000 White Deer, PA 17887. (vn) Modified on 3/15/2024 (vn). (Entered: 03/15/2024)
03/15/2024	<u>278</u>	MOTION FOR RETURN OF SEIZED PROPERTY. Document filed by Eddy Alexandre.(tg) Modified on 3/18/2024 (tg). (Entered: 03/18/2024)
03/15/2024	<u>280</u>	LETTER addressed to Judge Valerie E. Caproni from Eddy Alexandre dated 3/5/2024 re: writes this letter as a follow up to the response provided by the Commodity Futuree Trading Commission on 2/27/2024.. Document filed by Eddy Alexandre..(tro) (Entered: 03/19/2024)
03/19/2024	<u>279</u>	MEMO ENDORSEMENT with respect to <u>278</u> Motion for Return of Property. ENDORSEMENT: To the extent that Mr. Alexandre asserts that the search of the laptop affects his criminal case, or that the laptop was improperly seized by the FBI, his motion pursuant to Federal Rule of Criminal Procedure 41 must be made to Judge Cronan, the presiding judge in the criminal case against Mr. Alexandre. Not later than March 25, 2024, the Receiver must respond to Mr. Alexandre's claim that the Receiver unlawfully obtained the laptop. Mr. Alexandre is further advised that, to the Court's understanding, the Bureau of Prisons does not permit inmates to possess laptops. Accordingly, even if the Receiver possesses the laptop, and the Court were to credit Mr. Alexandre's arguments that the laptop belongs to him personally and not to EminiFX, Inc., the Court would not require the Receiver to deliver the laptop to Mr. Alexandre absent a showing that the Bureau of Prisons consented to allowing Mr. Alexandre to possess the laptop. The Clerk of Court is respectfully directed to mail a copy of this Order to Mr. Alexandre and to note the mailing on the docket. (Signed by Judge Valerie E. Caproni on 3/18/2024) (rro) Transmission to Docket Assistant Clerk for processing. (Entered: 03/19/2024)
03/19/2024		Mailed a copy of <u>279</u> Order on Motion for Return of Property, to Eddy Alexandre Reg. No. 00712-510 FCC Allenwood-Low P.O. Box 1000 White Deer, PA 17887. (sha) (Entered: 03/19/2024)
03/19/2024	<u>283</u>	MOTION, Re: for Return of Seized Property. Document filed by Eddy Alexandre.(sc) (Entered: 03/20/2024)
03/20/2024	<u>281</u>	LETTER addressed to Judge Valerie E. Caproni from Emil Bove dated March 20, 2024 re: Case File Transfer. Document filed by Eddy Alexandre..(Bove, Emil) (Entered: 03/20/2024)

03/20/2024	<u>282</u>	MEMO ENDORSEMENT on re: <u>281</u> Letter filed by Eddy Alexandre. ENDORSEMENT: The Court finds that Mr. Bove has adequately satisfied his responsibilities to transfer his case files in this matter. The Clerk of Court is respectfully directed to mail a copy of this endorsed order to Mr. Alexandre and to note the mailing on the docket. SO ORDERED. (Signed by Judge Valerie E. Caproni on 3/20/2024) (tg) Transmission to Docket Assistant Clerk for processing. (Entered: 03/20/2024)
03/20/2024		Mailed a copy of <u>282</u> Memo Endorsement, to Eddy Alexandre Reg. No. 00712-510 FCC Allenwood-Low P.O. Box 1000 White Deer, PA 17887. (nb) (Entered: 03/20/2024)
03/25/2024	<u>284</u>	LETTER RESPONSE to Motion addressed to Judge Valerie E. Caproni from William M. Moran dated March 25, 2024 re: <u>278</u> MOTION for Return of Property.. Document filed by David A Castleman. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6).(Moran, William) (Entered: 03/25/2024)
03/25/2024	<u>285</u>	LETTER addressed to Judge Valerie E. Caproni from William M. Moran dated March 25, 2024 re: Letter Request to Redact Filing of Exhibits to Receivers Response <u>284</u> . Document filed by David A Castleman..(Moran, William) (Entered: 03/25/2024)
03/25/2024	<u>286</u>	***SELECTED PARTIES*** LETTER addressed to Judge Valerie E. Caproni from William M. Moran dated March 25, 2024 re: Letter Request to Redact Filing of Exhibits to Receivers Response <u>284</u> . Document filed by David A Castleman, Commodity Futures Trading Commission. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6)Motion or Order to File Under Seal: <u>285</u> .(Moran, William) (Entered: 03/25/2024)
03/25/2024	<u>287</u>	ORDER denying without prejudice <u>278</u> Motion for Return of Property; denying without prejudice <u>283</u> Motion for Return of Property. The Court finds that the Receiver's possession of the laptop is an appropriate exercise of his authority to take control of assets belonging to the EminiFX that may aid in his efforts to return stolen funds to EminiFX customers. Accordingly, Mr. Alexandre's motion for return of the laptop is DENIED without prejudice. The Receiver's request to file the exhibits in redacted form is GRANTED. The Clerk of Court is respectfully directed to terminate the open motions at Dkts. 278 and 283, to mail a copy of the endorsed order to Mr. Alexandre, and to note the mailing on the docket. (Signed by Judge Valerie E. Caproni on 3/25/2024) (rro) Transmission to Docket Assistant Clerk for processing. (Entered: 03/26/2024)
03/26/2024		Mailed a copy of <u>287</u> Order on Motion for Return of Property, to Eddy Alexandre Reg. No. 00712-510 FCC Allenwood-Low P.O. Box 1000 White Deer, PA 17887. (nb) (Entered: 03/26/2024)
04/01/2024	<u>288</u>	SETTLEMENT AGREEMENT / <i>Letter Application to Court to Approve Stipulation with 34th Street Suites</i> . Document filed by Counsel for David Castleman, as Court-Appointed Receiver. (Attachments: # <u>1</u> Exhibit A- Executed Stipulation).(Feeney, Jennifer) (Entered: 04/01/2024)
04/02/2024	<u>289</u>	***STRICKEN DOCUMENT. Document number <u>289</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>290</u> Order . MEMO ENDORSEMENT on re: <u>288</u> Settlement Agreement, filed by Counsel for David Castleman, as Court-Appointed Receiver. ENDORSEMENT: Any response from Mr. Alexandre is due by April 12, 2024. Mr. Alexandre is ordered to add the Receiver, David Castleman (dcastleman@ottenbourg.com), as an approved contact in the CorrLinks system, and to send Mr. Castleman an email by April 9, 2024, confirming that Mr. Alexandre and Mr. Castleman can communicate thorough CorrLinks. The Clerk of Court is respectfully directed to mail a copy of the endorsed order to Mr. Alexandre and to note the mailing on the docket. (Signed by Judge Valerie E. Caproni on 4/2/2024) (rro) Transmission to Docket Assistant Clerk for processing. Modified on 4/2/2024 (tg). (Entered: 04/02/2024)
04/02/2024	<u>290</u>	MEMO ENDORSEMENT on re: <u>288</u> Settlement Agreement, filed by Counsel for David Castleman, as Court-Appointed Receiver. ENDORSEMENT: Any response from Mr. Alexandre is due by April 12, 2024. Mr. Alexandre is ordered to add the Receiver, David Castleman (dcastleman@ottenbourg.com), as an approved contact in the CorrLinks system, and to send Mr. Castleman an email by April 9, 2024, confirming that Mr. Alexandre and Mr. Castleman can communicate via CorrLinks. The Clerk of Court is respectfully directed to mail a copy of this Order to Mr. Alexandre and to note the mailing on the docket. The Clerk of Court is further directed to strike the Order at Dkt. 289, which contains a typographical error. SO ORDERED. (Signed by Judge Valerie E. Caproni on 4/2/2024) (tg) Transmission to Docket Assistant Clerk for processing. (Entered: 04/02/2024)
04/02/2024		Mailed a copy of <u>290</u> Memo Endorsement to Eddy Alexandre Reg. No. 00712-510 FCC Allenwood-Low P.O. Box 1000 White Deer, PA 17887. (nb) (Entered: 04/02/2024)
04/04/2024	<u>291</u>	MOTION to Dismiss for Failure to State a Claim for Relief. Document filed by Eddy Alexandre..(tro) (Entered: 04/08/2024)

04/08/2024	<u>292</u>	MEMO ENDORSEMENT with respect to <u>291</u> Motion to Dismiss. ENDORSEMENT: The CFTC's response is due April 23, 2024. Mr. Alexandre's reply is due May 3, 2024. SO ORDERED. (Signed by Judge Valerie E. Caproni on 4/8/2024) (tg) (Entered: 04/08/2024)
04/08/2024		Set/Reset Deadlines: Responses due by 4/23/2024 Replies due by 5/3/2024. (tg) (Entered: 04/08/2024)
04/10/2024	<u>293</u>	LETTER addressed to Judge Valerie E. Caproni from David Castleman, as Receiver dated April 10, 2024 re: Alexandre Position on Suites Settlement Application [Dkts. 288, 290]. Document filed by David A Castleman..(Castleman, David) (Entered: 04/10/2024)
04/18/2024	<u>294</u>	ORDER: IT IS HEREBY ORDERED that the Receiver is authorized to enter into the Settlement Agreement at Dkt. 288, and the Settlement Agreement is APPROVED. IT IS FURTHER ORDERED that the Clerk of Court is respectfully directed to mail a copy of this Order to Eddy Alexandre, Reg. No. 00712-510, FCC Allenwood-Low, P.O. Box 1000, White Deer, PA 17887, and to note the mailing on the docket. SO ORDERED. (Signed by Judge Valerie E. Caproni on 4/18/2024) (vfr) Transmission to Docket Assistant Clerk for processing. (Entered: 04/18/2024)
04/18/2024		Mailed a copy of <u>294</u> Order to Eddy Alexandre, Reg. No. 00712-510, FCC Allenwood-Low, P.O. Box 1000, White Deer, PA 17887. (nb) (Entered: 04/18/2024)
04/19/2024	<u>295</u>	LETTER addressed to Judge Valerie E. Caproni from David Castleman, as Receiver dated April 19, 2024 re: Response Received from Mr. Alexandre [Dkt. 294]. Document filed by David A Castleman. (Attachments: # <u>1</u> Exhibit Alexandre Response).(Castleman, David) (Entered: 04/19/2024)
04/22/2024	<u>296</u>	RESPONSE in Opposition to Motion re: <u>291</u> MOTION to Dismiss. . Document filed by Commodity Futures Trading Commission..(Snodgrass, Douglas) (Entered: 04/22/2024)
04/23/2024	<u>297</u>	MOTION IN RESPONSE OF APPLICATION FOR APPROVAL OF SETTLEMENT AGREEMENT WITH 34TH STREET SUITES LLC. Document filed by Eddy Alexandre. (rro) (Entered: 04/23/2024)
04/24/2024	<u>298</u>	ORDER: IT IS HEREBY ORDERED that Mr. Alexandre's request for an extension of time is DENIED. The Court reminds Mr. Alexandre that, despite his pro se and incarcerated status, he must comply with all Court-ordered deadlines. See Tatintsian v. Vorotyntsev, 2021 WL 780139, at *5 (S.D.N.Y. Jan. 27, 2021) (noting that pro se deadlines must comply with procedural deadlines). The Court further notes that it is skeptical of Mr. Alexandre's representation that he had not received the Court's Order by April 12, 2024 (the date the response was mailed to the Receiver), because the order requiring Mr. Alexandre to respond to the Receiver's request for permission to enter into the Settlement Agreement was the same Order that required Mr. Alexandre to add the Receiver as an approved contact in the CorrLinks system. Mr. Alexandre has evidently received that Order because he objects to it. Because he had added the Receiver as a contact by April 10, 2024, it would appear that he had received the Court's Order by at least that date. Letter, Dkt. 293. Mr. Alexandre's request for more time to respond to the Receiver's request strikes the Court as just yet another delay tactic. IT IS FURTHER ORDERED that, after carefully reviewing the arguments raised in Mr. Alexandre's response, the Court declines to disturb its prior order authorizing the Receiver to settle with 34th Suites LLC and approving the Settlement Agreement. The Settlement Agreement represents a fair and reasonable resolution of 34th Suites LLC's claim against EminiFX. The Receiver represents EminiFX, Inc. only, and has no authority or obligation to negotiate with claimants regarding any claims against Mr. Alexandre in his personal capacity. IT IS FURTHER ORDERED that the Court finds that its Order requiring Mr. Alexandre to add the Receiver as a contact does not violate his First Amendment rights, despite his conclusory claim to the contrary. Being required to receive communications from the Receiver via email, rather than postal mail, does not violate any of the constitutional rights enumerated in the First Amendment, including free speech and freedom of association. IT IS FURTHER ORDERED that the Clerk of Court is respectfully directed to mail a copy of this Order to Eddy Alexandre, Reg. No. 00712-510, FCC Allenwood-Low, P.O. Box 1000, White Deer, PA 17887, and to note the mailing on the docket. SO ORDERED. (Signed by Judge Valerie E. Caproni on 4/23/2024) (tg) Transmission to Docket Assistant Clerk for processing. (Entered: 04/24/2024)
04/24/2024		Mailed a copy of <u>298</u> Order, to Eddy Alexandre, Reg. No. 00712-510, FCC Allenwood-Low, P.O. Box 1000, White Deer, PA 17887. (sha) (Entered: 04/24/2024)
04/24/2024	<u>299</u>	MOTION FOR AN EXTENSION OF TIME TO FILE A REPLY TO THE RESPONSE TO MOVANT'S MOTION TO DISMISS. Document filed by Eddy Alexandre.(rro) (Entered: 04/24/2024)
04/25/2024	<u>300</u>	ORDER granting <u>299</u> Motion for Extension of Time to File Response/Reply re <u>299</u> MOTION for Extension of Time to File Response/Reply., <u>291</u> MOTION to Dismiss. The Court is skeptical of Mr. Alexandre's claim that he did not receive the Court's Order setting the reply deadline in this matter. Mr. Alexandre indicates that he is aware that the CFTC's response was due April 23, 2024, and the same Order that set the CFTC's response deadline set Mr. Alexandre's reply deadline. Order, Dkt. 292. Mr.

		Alexandre could not have learned of that deadline based on the actual filing of the CFTC's response, because that was response was filed a day early, on April 22, 2024. Response, Dkt. 296. Nevertheless, in recognition of Mr. Alexandre's pro se status, the Court will grant Mr. Alexandre a one-week extension of time, to May 10, 2024. This provides Mr. Alexandre with more than ample time to respond to the straightforward issues raised in the pending motion to dismiss. This is a firm deadline, and the Court is extremely unlikely to grant any further extension requests. The Receiver is ordered to copy and paste this endorsement in an email to Mr. Alexandre via CorrLinks. The Clerk of Court is directed to mail a copy of this endorsed order to Mr. Alexandre and to note the mailing on the docket. SO ORDERED. Replies due by 5/10/2024. (Signed by Judge Valerie E. Caproni on 4/25/2024) (tg) Transmission to Docket Assistant Clerk for processing. (Entered: 04/25/2024)
04/25/2024		MAILING RECEIPT: Document No: 300. Mailed to: Eddy Alexandre Reg.No.00712-510 P.O. Box 1000 White Deer, PA 17887. (vn) (Entered: 04/25/2024)
04/26/2024	<u>301</u>	STATUS REPORT. <i>First Quarter 2024 Status Report of Receiver David A. Castleman (Eighth Status Report)</i> Document filed by David A Castleman. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2).(Castleman, David) (Entered: 04/26/2024)
04/26/2024	<u>302</u>	CERTIFICATE OF SERVICE of FIRST QUARTER 2024 REPORT OF RECEIVER DAVID A. CASTLEMAN served on Eddy Alexandre on April 26, 2024. Service was made by Mail. Document filed by David A Castleman..(Castleman, David) (Entered: 04/26/2024)
04/26/2024	<u>303</u>	LETTER addressed to Judge Valerie E. Caproni from David Castleman, as Receiver dated April 26, 2024 re: Application for Payment of Fees and Expenses First Quarter 2024. Document filed by David A Castleman. (Attachments: # <u>1</u> Exhibit 1 (Castleman), # <u>2</u> Exhibit 2 (Feeney), # <u>3</u> Exhibit 3 (O'Malley), # <u>4</u> Exhibit 4 (Young), # <u>5</u> Exhibit 5 (Davis), # <u>6</u> Exhibit 6 (Karpuk)).(Castleman, David) (Entered: 04/26/2024)
04/26/2024	<u>304</u>	***EX-PARTE*** LETTER addressed to Judge Valerie E. Caproni from David Castleman, as Receiver dated April 26, 2024 re: Application for Payment of Fees and Expenses First Quarter 2024 Exhibits Under Seal [Dkt. 303]. Document filed by David A Castleman. (Attachments: # <u>1</u> Exhibit 1-1 (Castleman), # <u>2</u> Exhibit 2-1 (Otterbourg), # <u>3</u> Exhibit 3-1 (JS Held), # <u>4</u> Exhibit 4-1 (Deloitte Tax), # <u>5</u> Exhibit 4-2 (Deloitte Tax), # <u>6</u> Exhibit 5-1 (Crowe), # <u>7</u> Exhibit 6-1 (Stretto))Motion or Order to File Under Seal: <u>47</u> .(Castleman, David) (Entered: 04/26/2024)
05/03/2024	<u>305</u>	MOTION TO RECONSIDER MOTION FOR RETURN OF SEIZED OF SEIZED PROPERTY IN RESPONSE TO JUDGE'S ORDER. Document filed by Eddy Alexandre.(rro) (Entered: 05/06/2024)
05/06/2024	<u>306</u>	LETTER addressed to Judge Valerie E. Caproni from Pierre Acluche dated 5/5/2024 re: We are a group of investors with EminiFX. We are respectfully requesting a ruling on the motion that we had submitted to this court on February 29, 2024. (rro) (Entered: 05/06/2024)
05/07/2024	<u>307</u>	MEMO ENDORSEMENT on re: <u>303</u> Letter, filed by David A Castleman. ENDORSEMENT: Application GRANTED. SO ORDERED. (Signed by Judge Valerie E. Caproni on 5/7/2024) (tg) Transmission to Finance Unit (Cashiers) for processing. (Entered: 05/07/2024)
05/07/2024	<u>308</u>	MEMO ENDORSEMENT on re: <u>306</u> Letter. ENDORSEMENT: Application DENIED. The Court did not receive a motion from the investors on February 29, 2024. Nevertheless, the Court will treat the instant letter as a motion for reconsideration of its February 14, 2024, Order denying the investors' motion to intervene. Order, Dkt. 256. The standard under which courts evaluate a motion for reconsideration "is strict, and reconsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked...." Shrader v. CSX Transp., Inc., 70 F.3d 255, 257 (2d Cir. 1995). "[A] motion to reconsider should not be granted where the moving party seeks solely to relitigate an issue already decided." Id. The fact that the parties were unable to settle this matter does not suggest that the CFTC will not adequately represent the investors' interests. As the Court previously held, "[t]he CFTC has... vigorously represented the EminiFX Investors' interest in this litigation and is well-positioned to continue doing so through the resolution of the case." Order, Dkt. 256 at 5. To the extent that the investors' seek to share their concerns with the Court, the Court encourages the investors to utilize the multiple channels established by the Receiver through which the investors may make their concerns known. SO ORDERED. (Signed by Judge Valerie E. Caproni on 5/7/2024) (tg) (Entered: 05/07/2024)
05/07/2024	<u>309</u>	MEMO ENDORSEMENT denying <u>305</u> Motion for Reconsideration re <u>305</u> MOTION for Reconsideration. filed by Eddy Alexandre. ENDORSEMENT: Application DENIED. The standard for a motion for reconsideration "is strict, and reconsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked." Shrader v. CSX Transp., Inc., 70 F.3d 255, 257 (2d Cir. 1995). "[A] motion to reconsider should not be granted where the moving

		<p>party seeks solely to relitigate an issue already decided." Id. As Judge Cronan already held, the Receiver was not part of the prosecution team nor a participant in the FBI's search. Order, United States v. Alexandre, No. 22-cr-326, Dkt. 72 at 10. The Court authorized the Receiver to take possession of EminiFX's assets, and Mr. Alexandre's wife voluntarily surrendered the laptop pursuant to that Order. Order, Dkt. 9; Letter, Dkt. 284 at 2. Mr. Alexandre asserts no facts or controlling law meriting reconsideration. Mr. Alexandre's personal info was never filed publicly; the public documents redacted all confidential information. See Dkts. 285–87. To the extent that this motion may be construed as a motion for recusal, there is no basis for recusal pursuant to 28 U.S.C. § 455. None of the circumstances warranting disqualification enumerated in § 455(b) is present, and there is no ground on which the Undersigned's "impartiality might reasonably be questioned" pursuant to § 455(a). If Mr. Alexandre wishes to file a notice of appeal, he must file the appropriate paperwork, as set forth at nysd.uscourts.gov/forms/notice-appeal-civil-case. The Clerk of Court is respectfully directed to mail the endorsed Order to Mr. Alexandre and to note the mailing on the docket. SO ORDERED.. (Signed by Judge Valerie E. Caproni on 5/6/2024) (tg) Transmission to Docket Assistant Clerk for processing. (Entered: 05/07/2024)</p>
05/07/2024		Mailed a copy of 309 Order on Motion for Reconsideration to Eddy Alexandre Reg.No.00712–510 P.O. Box 1000 White Deer, PA 17887. (nb) (Entered: 05/07/2024)
05/07/2024	312	MOTION TO VACATE OR SET ASIDE ORDER. Document filed by Eddy Alexandre.(rro) Modified on 5/13/2024 (sac). (Entered: 05/10/2024)
05/09/2024	310	LETTER addressed to Judge Valerie E. Caproni from Jennifer S. Feeney dated May 9, 2024 re: Stipulation and Order Concerning Alexandre Assets. Document filed by Counsel for David Castleman, as Court–Appointed Receiver. (Attachments: # 1 Exhibit 1– Stipulation re Alexandre Assets – Fully Executed, # 2 Exhibit 2 – Alexandre Stmt re Reservation of Rights).(Feeney, Jennifer) (Entered: 05/09/2024)
05/09/2024	311	STIPULATION AND ORDER CONCERNING ALEXANDRE ASSETS: IT IS STIPULATED by and between the undersigned parties, as follows: 1. On May 11, 2022, Plaintiff, Commodity Futures Trading Commission ("CFTC") filed a Complaint in this action for Injunctive Relief, Civil Monetary Penalties, and Other Equitable Relief [Dkt. 5] under seal against defendants Eddy Alexandre ("Alexandre") and EminiFX, Inc. ("EminiFX") seeking injunctive and other equitable relief for violations of anti fraud provisions of the Commodity Exchange Act ("Act"), 7 U.S.C. §§ 6b(a)(1)–(2), 6o(l)(A) and (B), 9(1) and 17 C.F.R. §§ 5.2(b) 180.1(a)(1)–(3), and for violations of registration provisions of the Act, 7 U.S.C. §§ 2(c)(2)(C)(iii)(I)(cc), 6k(2), 6m(1), and 17 C.F.R. § 5.3(a)(2)(i) and (ii). As further set forth by this Order. IT IS SO ORDERED. The Clerk of Court is respectfully directed to mail a copy of this Order to Mr. Alexandre and to note the mailing on the docket. (Signed by Judge Valerie E. Caproni on 5/9/2024) (tg) Transmission to Docket Assistant Clerk for processing. (Entered: 05/09/2024)
05/10/2024		MAILING RECEIPT: Document No: 311. Mailed to: Eddy Alexandre Reg.No.00712–510 P.O. Box 1000 White Deer, PA 17887. (sha) (Entered: 05/10/2024)
05/10/2024	313	ORDER denying 312 Motion to Vacate 312 MOTION to Vacate. Application DENIED. MR. Alexandre's reply deadline remains today, May 10, 2024. The Receiver is ordered to copy and paste this endorsement in an email to Mr. Alexandre via CorrLinks and to file proof of email service by 3:00 P.M. today, May 10, 2024. To the extent that this motion may be construed as a motion for the Undersigned's recusal, that request is denied for the reasons set forth in the Court's May 6, 2024, Order at Dkt. 309. The Clerk of Court is respectfully directed to mail a copy of this endorsed Order to Mr. Alexandre and to note the mailing on the docket. SO ORDERED. (Signed by Judge Valerie E. Caproni on 5/10/2024) (tg) Transmission to Docket Assistant Clerk for processing. (Entered: 05/10/2024)
05/10/2024	314	CERTIFICATE OF SERVICE of Memo Endorsement of the Order Denying Motion to Vacate served on Eddy Alexandre on May 10, 2024. Document filed by David A Castleman..(Castleman, David) (Entered: 05/10/2024)
05/12/2024	315	EMINIFX INVESTORS' MOTION TO INTERVENE. Document filed by Eminifx Inc.(rro) (Entered: 05/13/2024)
05/13/2024		MAILING RECEIPT: Document No: 313. Mailed to: Eddy Alexandre Reg.No.00712–510 P.O. Box 1000 White Deer, PA 17887. (sha) (Entered: 05/13/2024)
05/14/2024	316	MEMO ENDORSEMENT denying 315 Motion to Intervene. ENDORSEMENT: Application DENIED. The Court has already considered and rejected the investors' arguments in their motion to intervene and motion to reconsider the Court's order denying the motion to intervene. Orders, Dkts. 256, 308. As the Court previously explained, the CFTC has zealously represented the investors' interests, and there is no indication that, just because settlement negotiations between the parties were ultimately unsuccessful,

		the CFTC will be unable to continue to represent the investors' interests. See Order, Dkt. 308. Any additional motions to intervene that seek solely to relitigate the arguments that the Court has previously denied will be struck from the docket. The Court strongly encourages the investors to make their concerns known through the multiple channels established by the Receiver instead of court filings. SO ORDERED. (Signed by Judge Valerie E. Caproni on 5/14/2024) (tg) (Entered: 05/14/2024)
05/14/2024	317	MOTION to Approve Receiver's Motion for Supplemental Instructions . Document filed by Counsel for David Castleman, as Court–Appointed Receiver..(Moran, William) (Entered: 05/14/2024)
05/14/2024	318	DECLARATION of David A. Castleman in Support re: 317 MOTION to Approve Receiver's Motion for Supplemental Instructions .. Document filed by Counsel for David Castleman, as Court–Appointed Receiver..(Moran, William) (Entered: 05/14/2024)
05/14/2024	319	MEMORANDUM OF LAW in Support re: 317 MOTION to Approve Receiver's Motion for Supplemental Instructions .. Document filed by Counsel for David Castleman, as Court–Appointed Receiver..(Moran, William) (Entered: 05/14/2024)
05/14/2024	320	PROPOSED ORDER. Document filed by Counsel for David Castleman, as Court–Appointed Receiver. Related Document Number: [ECF 317]..(Moran, William) Proposed Order to be reviewed by Clerk's Office staff. (Entered: 05/14/2024)
05/14/2024		***NOTICE TO COURT REGARDING PROPOSED ORDER. Document No. 320 Proposed Order was reviewed and approved as to form. (km) (Entered: 05/14/2024)
05/15/2024	321	LETTER addressed to Judge Valerie E. Caproni from David A. Castleman dated May 15, 2024 re: Alexandre Motion in Response Mailing. Document filed by David A Castleman..(Castleman, David) (Entered: 05/15/2024)
05/15/2024	322	***STRICKEN DOCUMENT. Document number 322 has been stricken from the case record. The document was stricken from this case pursuant to 355 Order . REPLY MOTION TO THE COMMODITY FUTURES TRADING COMMISSION'S OBJECTIONTO MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM FOR RELIEF. Document filed by Eddy Alexandre. (rro) Modified on 7/10/2024 (tg). (Entered: 05/17/2024)
05/17/2024	323	LETTER addressed to Judge Valerie E. Caproni from Jennifer S. Feeney dated May 17, 2024 re: Approval of Settlement Agreement with Christopher Beil and Maureen Beil and for Modification of the Turnover Order dated June 17, 2022. Document filed by Counsel for David Castleman, as Court–Appointed Receiver. (Attachments: # 1 Exhibit A–Stipulation and Settlement Agreement).(Feeney, Jennifer) (Entered: 05/17/2024)
05/17/2024	324	MEMO ENDORSEMENT on re: 323 Letter, filed by Counsel for David Castleman, as Court–Appointed Receiver. ENDORSEMENT: Mr. Alexandre's response to the proposed settlement with the Beils is due Friday, May 31, 2024. The Receiver is ordered to share the text of this letter and endorsement with Mr. Alexandre via a CorrLinks message, and to file proof of service of such message by May 20, 2024. The Clerk of Court is further directed to mail a copy of this endorsement to Mr. Alexandre and to note the mailing on the docket. SO ORDERED. (Signed by Judge Valerie E. Caproni on 5/17/2024) (mml) Transmission to Docket Assistant Clerk for processing. (Entered: 05/17/2024)
05/17/2024	325	CERTIFICATE OF SERVICE of Receivers Application 323 and Memo Endorsement 324 served on Eddy Alexandre on May 17, 2024. Document filed by David A Castleman. (Attachments: # 1 Exhibit A (CorrLinks Emails)).(Castleman, David) (Entered: 05/17/2024)
05/17/2024	328	MOTION for Leave to Proceed In Forma Pauperis. Document filed by Eddy Alexandre. (tp) Modified on 5/24/2024 (tp). (Entered: 05/24/2024)
05/17/2024	329	AFFIDAVIT of Eddy Alexandre in Support re: 328 MOTION for Permission to Appeal In Forma Pauperis. Document filed by Eddy Alexandre. (tp) Modified on 5/24/2024 (tp). (Entered: 05/24/2024)
05/17/2024	330	NOTICE OF INTERLOCUTORY APPEAL from 309 Order on Motion for Reconsideration. Document filed by Eddy Alexandre. Form D–P is due within 14 days to the Court of Appeals, Second Circuit. (tp) Modified on 5/24/2024 (tp). (Entered: 05/24/2024)
05/20/2024		MAILING RECEIPT: Document No: 324. Mailed to: Eddy Alexandre Reg.No.00712–510 P.O. Box 1000 White Deer, PA 17887. (vn) (Entered: 05/20/2024)
05/20/2024	326	AFFIDAVIT IN SUPPORT OF REPLY MOTION OF OPPOSITIONTO THE CFTC'S OBJECTIONS TO THE MOTION TO DISMISSPURSUANT TO THE MOTION TO DIMISS re: 291 MOTION to Dismiss.. Document filed by Eddy Alexandre..(rro) (Entered: 05/22/2024)

05/20/2024	<u>327</u>	MOTION SEEKING LEAVE TO FILE AMENDED REPLY. Document filed by Eddy Alexandre. (rro) (Entered: 05/22/2024)
05/22/2024	<u>332</u>	NOTICE OF INTENT TO OPPOSE THE ADOPTION OF THE EIGHTH FINANCIAL REPORT FROM THE EMINIFX RECEIVERSHIP FOR DEFECT AND MOTION TO STAY ITS APPROVAL PENDING OPPOSITION. Document filed by Eddy Alexandre.(yv) (Entered: 05/29/2024)
05/24/2024		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>330</u> Notice of Interlocutory Appeal. (tp) (Entered: 05/24/2024)
05/24/2024		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>330</u> Notice of Interlocutory Appeal filed by Eddy Alexandre were transmitted to the U.S. Court of Appeals. (tp) (Entered: 05/24/2024)
05/28/2024	<u>331</u>	MEMO ENDORSEMENT on re: <u>330</u> Notice of Interlocutory Appeal filed by Eddy Alexandre. ENDORSEMENT: The Court's Order denying without prejudice Mr. Alexandre's request for an Order compelling the Receiver to return his laptop, Dkt. 287, and the denial of reconsideration of that order, Dkt. 309, were not final orders, and thus, not directly appealable. Accordingly, the Court will not stay this case because the "notice of appeal was premature, and therefore, was a nullity." United States v. Rodgers, 101 F.3d 247, 252 (2d Cir. 1996) (collecting cases). SO ORDERED. (Signed by Judge Valerie E. Caproni on 5/28/2024) (tg) (Entered: 05/28/2024)
05/29/2024		MAILING RECEIPT: Document No: 331. Mailed to: Eddy Alexandre Reg.No.00712-510 P.O. Box 1000 White Deer, PA 17887. (nb) (Entered: 05/29/2024)
05/31/2024	<u>334</u>	LETTER addressed to Clerk of Court from Eddy Alexandre dated 5/28/2024 re: assistance in locating the office mailing address. Document filed by Eddy Alexandre..(rro) (Entered: 06/04/2024)
06/03/2024	<u>333</u>	NOTICE RE: PENDING MOTION TO PROCEED IN FORMA PAUPERIS. USCA Case No. 24-1493. An appeal in the above-referenced case has been docketed in the Court of Appeals. According to the district court docket sheet or other available information, appellant has moved for leave to proceed in forma pauperis in district court on May 17, 2024 and that motion is pending. The appeal may not move forward until the motion is determined. Please direct the motion to the appropriate judge for determination. Upon the grant or denial of the motion, please enter the order and transmit it to the Court of Appeals..(nd) (Entered: 06/03/2024)
06/04/2024	<u>335</u>	ORDER denying <u>332</u> Letter Motion to Stay re: <u>332</u> MOTION to Stay. ENDORSEMENT: Application DENIED. The Receiver is a court-appointed agent and is not part of the CFTC. The Eighth Status Report was filed on April 26, 2024, and required no court action. (Signed by Judge Valerie E. Caproni on 6/4/2024) (rro) (Entered: 06/04/2024)
06/04/2024	<u>336</u>	MEMO ENDORSEMENT on re: <u>334</u> Letter filed by Eddy Alexandre. ENDORSEMENT: The Clerk of Court is respectfully directed to forward a copy of this letter to the Chief Judge. Mr. Alexandre is also advised that he may visit the Court's website for additional instructions regarding filing a complaint about judicial misconduct at https://www.ca2.uscourts.gov/judges/judicial_conduct.html (Signed by Judge Valerie E. Caproni on 6/4/2024) (rro) (Entered: 06/04/2024)
06/04/2024	<u>337</u>	MEMO ENDORSEMENT denying <u>328</u> Motion for Leave to Appeal in forma pauperis. ENDORSEMENT: Because the orders appealed by Mr. Alexandre are not final orders subject to appeal, and because Mr. Alexandre has not sought leave to file an interlocutory appeal, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that this appeal is not taken in good faith, and, therefore, permission to proceed in forma pauperis for purposes of appeal is denied. SO ORDERED. (Signed by Judge Valerie E. Caproni on 6/4/2024) (tg) (Entered: 06/05/2024)
06/04/2024	<u>338</u>	LETTER addressed to Judge Valerie E. Caproni from Eddy Alexandre dated 5/29/2024 re: motion to oppose the approval of settlement agreement. Document filed by Eddy Alexandre..(rro) (Entered: 06/06/2024)
06/05/2024		MAILING RECEIPT: Document No: 335. Mailed to: Eddy Alexandre Reg.No.00712-510 P.O. Box 1000 White Deer, PA 17887. (nb) (Entered: 06/05/2024)
06/05/2024		MAILING RECEIPT: Document No: 336. Mailed to: Eddy Alexandre Reg.No.00712-510 P.O. Box 1000 White Deer, PA 17887. (nb) (Entered: 06/05/2024)
06/07/2024	<u>339</u>	MEMO ENDORSEMENT on re: <u>338</u> Letter filed by Eddy Alexandre. ENDORSEMENT: The Receiver's request for approval of the settlement agreement with the Beils and modification of the Turnover Order in order to permit the Receiver to partially return the Deposit is APPROVED. The Court finds that the proposed settlement is fair and reasonable and is an appropriate exercise of the Receiver's authority. While Mr. Alexandre's objection, if true, is interesting, it is not relevant to whether

		the settlement is in the best interest of the estate. SO ORDERED. (Signed by Judge Valerie E. Caproni on 6/7/2024) (tg) Transmission to Finance Unit (Cashiers) for processing. (Entered: 06/10/2024)
06/11/2024		MAILING RECEIPT: Document No: 337-339. Mailed to: Eddy Alexandre Reg.No.00712-510 P.O. Box 1000 White Deer, PA 17887. (vn) (Entered: 06/11/2024)
06/18/2024	<u>341</u>	Request for Copies/Transcripts/Docket Sheet Received: Re <u>340</u> Letter. Request for Docket Report, from Eddy Alexandre received on 6/18/2024. Transmission to Pro Se Assistants for processing. (kgo) (Entered: 06/25/2024)
06/18/2024	<u>342</u>	MOTION TO COMPEL ATTORNEY TO SURRENDER THE CASE FILE. Document filed by Eddy Alexandre..(kgo) (Entered: 06/25/2024)
06/21/2024	<u>343</u>	MOTION FOR CHANGE OF VENUE FOR MEDIA TRIAL VIOLATION CLAIM OF DEFAMATION AND INJURIOUS FALSEHOOD. Document filed by Eddy Alexandre. (rro) (Entered: 06/26/2024)
06/21/2024	<u>344</u>	***STRICKEN DOCUMENT. Document number <u>344</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>355</u> Order . ADDENDUM TO THE AMENDED REPLY MOTION TO THE COMMODITY FUTURES TRADING COMMISSION'S(CFTC) OBJECTION TO THE MOTION TO DIMISS. MOTION TO VACATE OR DISSOLVE EX-PARTE STATUTORY RESTRAINING ORDER (SRO), TEMPORARY RESTRAINING ORDER (TRO) AND ALL SUBSEQUENT DERIVATIVE ORDERS, PRIMARY INJUNCTION, CONSENT ORDER, AND RECEIVERSHIP IN SUPPORT OF THE MOTION TO DISSMISS THE COMPLAINT (CFTC) FOR FAILURE TO STATE A CLAIM FOR RELIEF. Document filed by Eddy Alexandre..(rro) Modified on 7/10/2024 (tg). (Entered: 06/26/2024)
06/21/2024	<u>345</u>	MOTION TO OPPOSE THE ADOPTION OF THE FIRST QUARTER 2024 OR EIGHTH STATUS REPORT FROM THE EMINIFX RECEIVERSHIP FOR DEFECTS AND MOTION TO STAY THE APPROVAL OF HIS APPLICATION FOR PAYMENT. Document filed by Eddy Alexandre. (rro) (Entered: 06/26/2024)
06/21/2024	<u>346</u>	***STRICKEN DOCUMENT. Document number <u>346</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>355</u> Order . ADDENDUM TO THE AMENDED REPLY MOTION TO THE COMMODITY FUTURES TRADING COMMISSION'S OBJECTION TO MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM FOR RELIEF. Document filed by Eddy Alexandre..(rro) Modified on 7/10/2024 (tg). (Entered: 06/26/2024)
06/25/2024	<u>340</u>	LETTER addressed to Clerk of Court from Eddy Alexandre dated 5/16/2024 re: Request for copies. Document filed by Eddy Alexandre..(kgo) (Entered: 06/25/2024)
06/25/2024		Request for Copies/Transcripts/Docket Sheet Processed: Mailed copy of Docket Sheet to Eddy Alexandre Reg. No. 00712-510 FCC Allenwood-Low P.O. Box 1000 White Deer, PA 17887 on 6/25/2024. (nb) (Entered: 06/25/2024)
06/26/2024	<u>348</u>	CERTIFICATE OF SERVICE of Objection to the Receiver's Motion for Supplemental Instructions served on The Clerk of Court on 6/14/2024. Service was made by Mail. Document filed by Eddy Alexandre..(rro) (Entered: 06/28/2024)
06/26/2024	<u>349</u>	OBJECTION TO THE RECEIVER'S MOTION FOR SUPPLEMENTAL INSTRUCTIONS. Document filed by Eddy Alexandre..(tro) (Entered: 06/28/2024)
06/27/2024	<u>347</u>	REPLY re: <u>317</u> MOTION to Approve Receiver's Motion for Supplemental Instructions .. Document filed by Counsel for David Castleman, as Court-Appointed Receiver..(Moran, William) (Entered: 06/27/2024)
06/28/2024	<u>350</u>	AMENDED REPLY re: <u>317</u> MOTION to Approve Receiver's Motion for Supplemental Instructions .. Document filed by Counsel for David Castleman, as Court-Appointed Receiver..(Moran, William) (Entered: 06/28/2024)
07/01/2024	<u>351</u>	MEMO ENDORSEMENT denying <u>342</u> Motion to Compel. ENDORSEMENT: Application DENIED. On March 20, 2024, Mr. Bove indicated that he mailed his case files to Mr. Alexandre, and that the packages containing his case files were delivered on March 11, 2024. Letter, Dkt. 280. Accordingly, the Court has already held "that Mr. Bove has adequately satisfied his responsibilities to transfer his case files in this matter." Order, Dkt. 281. SO ORDERED. (Signed by Judge Valerie E. Caproni on 7/1/2024) (tg) (Entered: 07/02/2024)

07/01/2024	<u>352</u>	MEMO ENDORSEMENT denying <u>343</u> Motion to Change Venue. ENDORSEMENT: Application DENIED. Having reviewed the Receiver's and CFTC's statements in this matter, the Court does not find that either made libelous statements or statements that would otherwise preclude the Defendant from having his case fairly adjudicated. The Court further notes, that "even pervasive, adverse publicity[] does not inevitably lead to an unfair trial." Carroll v. Trump, 669 F. Supp. 3d 249, 255 (S.D.N.Y. Apr. 17, 2023) (quoting Application of Dow Jones & Co., Inc., 842 F.2d 603, 609 (2d Cir. 1988)). Finally, this case is in its infancy, and the Court cannot yet conclude that there will be triable issues of fact warranting a jury trial. SO ORDERED. (Signed by Judge Valerie E. Caproni on 7/1/2024) (tg) (Entered: 07/02/2024)
07/01/2024	<u>353</u>	MEMO ENDORSEMENT denying <u>345</u> Motion re: <u>345</u> MOTION. ENDORSEMENT: Application DENIED. The Court has reviewed the Receiver's work product and found that it adequately reports the current status of the Receiver's operations, and the fees request is reasonable in light of the complex nature of the work involved. Although Mr. Alexandre holds himself out as the guardian of the EminiFX investors, it is his fraudulent conduct which he admitted to in his guilty plea in the criminal case that has forced the fund into a receivership. The Court will not further waste investor funds by requiring the Receiver to engage in further paperwork to satisfy Mr. Alexandre's desires.. (Signed by Judge Valerie E. Caproni on 7/1/2024) (rro) (Entered: 07/02/2024)
07/03/2024		MAILING RECEIPT: Document No: 353. Mailed to: Eddy Alexandre Reg.No.00712-510 P.O. Box 1000 White Deer, PA 17887. (kgo) (Entered: 07/03/2024)
07/03/2024		MAILING RECEIPT: Document No: 351. Mailed to: Eddy Alexandre Reg.No.00712-510 P.O. Box 1000 White Deer, PA 17887. (tro) (Entered: 07/03/2024)
07/03/2024		MAILING RECEIPT: Document No: 352. Mailed to: Eddy Alexandre Reg.No.00712-510 P.O. Box 1000 White Deer, PA 17887. (tro) (Entered: 07/03/2024)
07/03/2024	<u>354</u>	ORDER GRANTING THE RECEIVER'S REQUEST FOR SUPPLEMENTAL INSTRUCTIONS: IT IS HEREBY ORDERED THAT: 1. The Withheld Salary Amount will no longer be reserved and held in segregated accounts by the Receiver. The Withheld Salary Amounts shall constitute property of the General Receivership Estate. 2. The Receiver may redact from any public filings exhibits or pleadings containing the following types of information: (1) personal contact information of any party or counsel, (2) the name, user ID, or other personal information of any EminiFX user, employee, or claimant, and (3) any information that may be redacted under Federal Rule of Civil Procedure 5.2. The Receiver shall file original unredacted copies of any such documents under seal, without further order of the Court, and without prejudice to the right any party may have to challenge any specific redaction. For any such filing where the Court does not find that a redaction is appropriate, the Court may order the Receiver amend a filing accordingly. SO ORDERED. (Signed by Judge Valerie E. Caproni on 7/3/2024) (tg) (Entered: 07/03/2024)
07/10/2024	<u>355</u>	OPINION AND ORDER re: <u>291</u> MOTION to Dismiss. filed by Eddy Alexandre. For the foregoing reasons, Mr. Alexandre's motion to dismiss the Complaint, to compel arbitration, and to stay the case is DENIED. The Clerk of Court is respectfully directed to terminate the open motion at Dkt. 291. The Clerk of Court is further directed to strike the filings at Dkts. 322, 344, and 346. Not later than July 19, 2024, the CFTC must confer with Mr. Alexandre and counsel for EminiFX and file a letter stating whether CFTC intends to move for summary judgment or whether the Court should set a discovery schedule. Either way, the parties should propose a schedule for next steps that is reasonable recognizing that Mr. Alexandre is incarcerated. SO ORDERED. (Signed by Judge Valerie E. Caproni on 7/10/2024) (tg) (Entered: 07/10/2024)
07/11/2024		MAILING RECEIPT: Document No: 355. Mailed to: Eddy Alexandre Reg.No.00712-510 P.O. Box 1000 White Deer, PA 17887. (rdz) (Entered: 07/11/2024)
07/16/2024	<u>356</u>	LETTER addressed to Judge Valerie E. Caproni from Douglas Snodgrass dated 7/16/2024 re: Summary Judgment Briefing Schedule. Document filed by Commodity Futures Trading Commission..(Snodgrass, Douglas) (Entered: 07/16/2024)
07/16/2024	<u>357</u>	LETTER addressed to Judge Valerie E. Caproni from Jennifer S. Feeney dated July 16, 2024 re: Request for Approval of Schedule to File Plan of Distribution and Responses. Document filed by Counsel for David Castleman, as Court-Appointed Receiver..(Feeney, Jennifer) (Entered: 07/16/2024)
07/16/2024	<u>358</u>	MEMO ENDORSEMENT on re: <u>356</u> Letter filed by Commodity Futures Trading Commission. ENDORSEMENT: Application GRANTED.SO ORDERED. Eddy Alexandre answer due 8/2/2024.(Motions due by 9/27/2024., Responses due by 11/1/2024, Replies due by 11/25/2024.) (Signed by Judge Valerie E. Caproni on 7/16/2024) (rro) (Entered: 07/16/2024)

07/17/2024	<u>359</u>	MEMO ENDORSEMENT on re: <u>357</u> Letter, filed by Counsel for David Castleman, as Court–Appointed Receiver. ENDORSEMENT: Application GRANTED. SO ORDERED. (Motions due by 8/9/2024., Responses due by 9/10/2024, Replies due by 9/27/2024.) (Signed by Judge Valerie E. Caproni on 7/17/2024) (tg) (Entered: 07/17/2024)
07/18/2024		MAILING RECEIPT: Document No: 358. Mailed to: Eddy Alexandre Reg.No.00712–510 P.O. Box 1000 White Deer, PA 17887. (rdz) (Entered: 07/18/2024)
07/18/2024		MAILING RECEIPT: Document No: 359. Mailed to: Eddy Alexandre Reg.No.00712–510 P.O. Box 1000 White Deer, PA 17887. (vn) (Entered: 07/18/2024)
07/19/2024	<u>360</u>	***STRICKEN DOCUMENT. Document number <u>360</u> has been stricken from the case record. The document was stricken from this case pursuant to <u>365</u> Order . EMINIFX INVESTORS' MOTION TO INTERVENE. Document filed by Eminifx Inc.(rro) Modified on 7/30/2024 (vfr). (Entered: 07/23/2024)
07/22/2024	<u>361</u>	NOTICE OF INTERLOCUTORY APPEAL from <u>355</u> Opinion & Order,. Document filed by Eddy Alexandre. Form D–P is due within 14 days to the Court of Appeals, Second Circuit..(nd) (Entered: 07/25/2024)
07/22/2024	<u>362</u>	MOTION for Leave to Appeal in forma pauperis. Document filed by Eddy Alexandre..(nd) (Entered: 07/25/2024)
07/24/2024	<u>363</u>	REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Eddy Alexandre. (Attachments: # <u>1</u> Certificate of Service) (sac) (Entered: 07/26/2024)
07/25/2024		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>361</u> Notice of Interlocutory Appeal..(nd) (Entered: 07/25/2024)
07/25/2024		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>361</u> Notice of Interlocutory Appeal filed by Eddy Alexandre were transmitted to the U.S. Court of Appeals..(nd) (Entered: 07/25/2024)
07/26/2024	<u>364</u>	MEMO ENDORSED ORDER denying <u>362</u> Motion for Leave to Appeal in forma pauperis. ENDORSEMENT: Application DENIED. Because the order appealed by Mr. Alexandre is not a final order subject to appeal, and because Mr. Alexandre has not sought leave to file an interlocutory appeal, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that this appeal is not taken in good faith. The Court's conclusion is further supported by the fact that this is the second time in this case that Mr. Alexandre has moved to proceed in forma pauperis on interlocutory appeal without seeking leave from the Court to file such appeal. See Dkt. 337. SO ORDERED. (Signed by Judge Valerie E. Caproni on 7/26/24) (yv) (Entered: 07/26/2024)
07/29/2024		MAILING RECEIPT: Document No: 364. Mailed to: Eddy Alexandre Reg.No.00712–510 P.O. Box 1000 White Deer, PA 17887. (tro) (Entered: 07/29/2024)
07/30/2024	<u>365</u>	MEMO ENDORSED ORDER denying <u>360</u> Motion to Intervene. ENDORSEMENT: Application DENIED. As the Court has consistently explained, the CFTC has zealously represented the investors' interests. See Dkts. 308, 316. The Court has already considered and rejected the investors' arguments to the contrary in their two previous motions to intervene, see Dkts. 256, 316, as well as their motion to reconsider the Court's denial of the first motion to intervene. See Dkt. 308. Contrary to the investors' characterization in this motion, the Receiver is not an "agent" of the CFTC and the investors' criticisms of his interactions with them are irrelevant to their claim that the CFTC has failed to represent their interests. As to the investors' criticism of the settlement involving the Beils, the Court notes that it has already approved the settlement as fair and reasonable and an appropriate exercise of the Receiver's authority. See Dkt. 339. In its May 14, 2024, Order, the Court advised the investors that any additional motions to intervene that seek solely to relitigate the arguments that the Court has previously denied will be struck from the docket. See. Dkt. 316. Consistent with that Order, the Clerk of the Court is respectfully directed to STRIKE the motion at docket entry 360. SO ORDERED. (Signed by Judge Valerie E. Caproni on 7/30/2024) (vfr) (Entered: 07/30/2024)
07/31/2024		MAILING RECEIPT: Document No: 365. Mailed to: Eddy Alexandre Reg.No.00712–510 P.O. Box 1000 White Deer, PA 17887. (kgo) (Entered: 07/31/2024)
07/31/2024	<u>366</u>	NOTICE OF INTERLOCUTORY APPEAL from <u>353</u> Order on Motion for Miscellaneous Relief. Document filed by Eddy Alexandre. Form D–P is due within 14 days to the Court of Appeals, Second Circuit.(km) (Entered: 07/31/2024)

07/31/2024	<u>367</u>	MOTION FOR LEAVE TO PROCEED ON AN INTERLOCUTORY APPEAL IN FORMA PAUPERIS. Document filed by Eddy Alexandre.(km) (Entered: 07/31/2024)
07/31/2024		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>366</u> Notice of Interlocutory Appeal. (km) (Entered: 07/31/2024)
07/31/2024		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>366</u> Notice of Interlocutory Appeal filed by Eddy Alexandre were transmitted to the U.S. Court of Appeals. (km) (Entered: 07/31/2024)
07/31/2024	<u>374</u>	MOTION for Reconsideration MOTION TO COMPEL ATTORNEY TO SURRENDER CASEFILE. Document filed by Eddy Alexandre.(laq) (Entered: 08/05/2024)
08/01/2024	<u>368</u>	MEMO ENDORSEMENT denying <u>367</u> Motion for Leave to Appeal in forma pauperis. ENDORSEMENT: Application DENIED. As the Court has already twice explained to Mr. Alexandre, a party seeking interlocutory appeal of a non-final order not subject to appeal must seek leave from this Court prior to filing such appeal. See Dkt. 337, 364. Because Mr. Alexandre has yet again failed to do so, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that this appeal is not taken in good faith. SO ORDERED.. (Signed by Judge Valerie E. Caproni on 8/1/2024) (ks) (Entered: 08/01/2024)
08/02/2024	<u>369</u>	NOTICE of Non-User Claims Report. Document filed by Counsel for David Castleman, as Court-Appointed Receiver..(Feeney, Jennifer) (Entered: 08/02/2024)
08/02/2024	<u>370</u>	STATUS REPORT. <i>Second Quarter 2024 Status Report of Receiver David A. Castleman (Ninth Status Report)</i> Document filed by David A Castleman. (Attachments: # <u>1</u> Exhibit 1 (ledger), # <u>2</u> Exhibit 2 (financials), # <u>3</u> Exhibit 3 (corrlinks), # <u>4</u> Exhibit 4 (phishing email), # <u>5</u> Exhibit 5 (security letter)).(Castleman, David) (Entered: 08/02/2024)
08/02/2024	<u>371</u>	LETTER addressed to Judge Valerie E. Caproni from David Castleman, as Receiver dated August 2, 2024 re: Application for Payment of Fees and Expenses Second Quarter 2024. Document filed by David A Castleman. (Attachments: # <u>1</u> Exhibit 1 (Castleman), # <u>2</u> Exhibit 2 (Feeney), # <u>3</u> Exhibit 3 (O'Malley), # <u>4</u> Exhibit 4 (Young), # <u>5</u> Exhibit 5 (Davis), # <u>6</u> Exhibit 6 (McElhinney)).(Castleman, David) (Entered: 08/02/2024)
08/02/2024	<u>372</u>	***EX-PARTE*** LETTER addressed to Judge Valerie E. Caproni from David Castleman, as Receiver dated August 2, 2024 re: Application for Payment of Fees and Expenses Second Quarter 2024 Exhibits Under Seal <u>371</u> . Document filed by David A Castleman. (Attachments: # <u>1</u> Exhibit 1-1 (Castleman), # <u>2</u> Exhibit 2-1 (Otterbourg), # <u>3</u> Exhibit 3-1 (JS Held), # <u>4</u> Exhibit 4-1 (Deloitte Tax), # <u>5</u> Exhibit 5-1 (Crowe), # <u>6</u> Exhibit 6-1 (Stretto))Motion or Order to File Under Seal: <u>47</u> .(Castleman, David) (Entered: 08/02/2024)
08/05/2024	<u>373</u>	LETTER MOTION for Leave to File Excess Pages /Request for Extension of Brief Page Limits on Receiver's Distribution Plan Motion addressed to Judge Valerie E. Caproni from Jennifer S. Feeney dated August 5, 2024. Document filed by Counsel for David Castleman, as Court-Appointed Receiver..(Feeney, Jennifer) (Entered: 08/05/2024)
08/05/2024	<u>376</u>	EMERGENCY MOTION for Leave to proceed on an interlocutory Appeal. Document filed by Eddy Alexandre..(nd) (Entered: 08/06/2024)
08/05/2024	<u>377</u>	DEFENDANT'S ANSWER to <u>5</u> Complaint. Document filed by Eddy Alexandre.(tro) (Entered: 08/06/2024)
08/06/2024	<u>375</u>	ORDER granting <u>373</u> Letter Motion for Leave to File Excess Pages. Application GRANTED. SO ORDERED. (Signed by Judge Valerie E. Caproni on 8/6/2024) (tg) (Entered: 08/06/2024)
08/07/2024	<u>378</u>	MEMO ENDORSEMENT denying <u>374</u> Motion for Reconsideration. ENDORSEMENT: Application DENIED. The Court has already concluded that Mr. Bove has satisfied his responsibilities to transfer his case files in this matter by transferring the relevant materials within his possession and control. See Dkt. 282. The fact that Mr. Bove has since communicated with his former colleagues about transferring materials in their possession does not disrupt the Court's finding. Given the lack of legal authority for Mr. Alexandre's motion, the Court hereby certifies pursuant to 28 U.S.C. § 1915(a)(3) that any interlocutory appeal of this order would not be taken in good faith. Therefore, permission to proceed in forma pauperis on interlocutory appeal of this order is DENIED. SO ORDERED. (Signed by Judge Valerie E. Caproni on 8/7/2024) (tg) (Entered: 08/07/2024)
08/07/2024	<u>379</u>	MEMO ENDORSEMENT re: MOTION TO VACATE, SET ASIDE OR CLARIFY ORDERS #358 AND #359 PURSUANT TO FED. R.CIV.P. RULES 26(a),(b), 34 AND 37(a). ENDORSEMENT: Application DENIED. Mr. Alexandre's complaints are moot because the parties have already met and conferred and agreed to a summary judgment briefing schedule without setting a discovery schedule.

		See Dkt. 356. Regardless, Mr. Alexandre has not cited any authority indicating that the Court's order at Dkt. 355 was improper. Given the lack of legal authority for Mr. Alexandre's motion, the Court hereby certifies pursuant to 28 U.S.C. § 1915(a)(3) that any interlocutory appeal of this order would not be taken in good faith. Therefore, permission to proceed in forma pauperis on interlocutory appeal of this order is DENIED. SO ORDERED. (Signed by Judge Valerie E. Caproni on 8/7/2024) (tg) (Entered: 08/07/2024)
08/07/2024		MAILING RECEIPT: Document No: 375. Mailed to: Eddy Alexandre Reg.No.00712-510 P.O. Box 1000 White Deer, PA 17887. (nb) (Entered: 08/07/2024)
08/07/2024	<u>380</u>	MEMO ENDORSEMENT denying <u>376</u> Motion for Leave to Appeal. ENDORSEMENT: Interlocutory appeals of non-final orders that are otherwise not subject to appeal are permitted only when the District Court concludes that the order involves a "controlling question of law" as to which there is "substantial ground for difference of opinion" and that an immediate appeal from the order may materially advance the ultimate termination of the litigation. 28 U.S.C. § 1292(b). Applying this standard, there is no basis for an interlocutory appeal of the order denying Defendant's motion to dismiss found at Dkt. 355, and Mr. Alexandre's motion identifies none. Therefore, the application to take an interlocutory appeal is DENIED. Given the lack of legal authority for Mr. Alexandre's proposed appeal, the Court hereby certifies pursuant to 28 U.S.C. § 1915(a)(3) that any interlocutory appeal of this order or the order denying the motion to dismiss (Dkt. 355) would not be taken in good faith. Therefore, permission to proceed in forma pauperis on interlocutory appeal of this order or the order denying the motion to dismiss is DENIED. SO ORDERED. (Signed by Judge Valerie E. Caproni on 8/7/2024) (tg) (Entered: 08/07/2024)
08/08/2024		MAILING RECEIPT: Document No: 378-380. Mailed to: Eddy Alexandre Reg.No.00712-510 P.O. Box 1000 White Deer, PA 17887. (nb) (Entered: 08/08/2024)
08/09/2024	<u>381</u>	MOTION to Approve /Notice of the Receiver's Motion for Entry of an Order Approving (I) the Receiver's Distribution Plan; (II) the Determination of Allowed User Claims; (III) Notice of Distribution Plan; and (IV) Authority to Pursue Causes of Action . Document filed by Counsel for David Castleman, as Court-Appointed Receiver..(Feeney, Jennifer) (Entered: 08/09/2024)
08/09/2024	<u>382</u>	MEMORANDUM OF LAW in Support re: <u>381</u> MOTION to Approve /Notice of the Receiver's Motion for Entry of an Order Approving (I) the Receiver's Distribution Plan; (II) the Determination of Allowed User Claims; (III) Notice of Distribution Plan; and (IV) Authority to Pursue Causes o . Document filed by Counsel for David Castleman, as Court-Appointed Receiver..(Feeney, Jennifer) (Entered: 08/09/2024)
08/09/2024	<u>383</u>	AFFIDAVIT of David A. Castleman in Support re: <u>381</u> MOTION to Approve /Notice of the Receiver's Motion for Entry of an Order Approving (I) the Receiver's Distribution Plan; (II) the Determination of Allowed User Claims; (III) Notice of Distribution Plan; and (IV) Authority to Pursue Causes o. Document filed by Counsel for David Castleman, as Court-Appointed Receiver. (Attachments: # <u>1</u> Exhibit 1 – Distribution Plan, # <u>2</u> Exhibit 2 – Distribution Plan Explainer, # <u>3</u> Exhibit 3 – Email to Users, # <u>4</u> Exhibit 4 – October 2021 Plan, # <u>5</u> Exhibit 5 – February 2022 Plan, # <u>6</u> Exhibit 6 – Eddy Message, # <u>7</u> Exhibit 7 – Clarelle Message, # <u>8</u> Exhibit 8 – User Deposits by Week, # <u>9</u> Exhibit 9 – User Withdrawals and Net Contributions, # <u>10</u> Exhibit 10 – ROI Earnings, # <u>11</u> Exhibit 11 – Interactive Brokers Activity, # <u>12</u> Exhibit 12 – Coinpayments Weekly BTC Values, # <u>13</u> Exhibit 13 – Marked to Market Value of EminiFX Holdings, # <u>14</u> Exhibit 14 – Value of User Accounts Versus EminiFX Holdings, # <u>15</u> Exhibit 15 – Weekly Performance Reports, # <u>16</u> Exhibit 16 – Rising Tide Model).(Feeney, Jennifer) (Entered: 08/09/2024)
08/09/2024	<u>384</u>	PROPOSED ORDER. Document filed by Counsel for David Castleman, as Court-Appointed Receiver. Related Document Number: [ECF 381]..(Feeney, Jennifer) Proposed Order to be reviewed by Clerk's Office staff. (Entered: 08/09/2024)
08/09/2024		***NOTICE TO COURT REGARDING PROPOSED ORDER. Document No. <u>384</u> Proposed Order was reviewed and approved as to form. (km) (Entered: 08/09/2024)
08/16/2024	<u>385</u>	MEMO ENDORSEMENT on re: <u>371</u> Letter, filed by David A Castleman. ENDORSEMENT: Application GRANTED. SO ORDERED. (Signed by Judge Valerie E. Caproni on 8/16/2024) (tg) (Entered: 08/19/2024)
08/20/2024		MAILING RECEIPT: Document No: 385. Mailed to: Eddy Alexandre Reg.No.00712-510 P.O. Box 1000 White Deer, PA 17887. (nb) (Entered: 08/20/2024)
08/23/2024	<u>386</u>	MOTION to Dismiss /Notice of the Receiver's Motion for Entry of an Order Dismissing Alexandre's Claims With Prejudice and Striking any Affirmative Defense. {ECF 377}. Document filed by Counsel

		for David Castleman, as Court–Appointed Receiver..(Moran, William) (Entered: 08/23/2024)
08/23/2024	<u>387</u>	MEMORANDUM OF LAW in Support of the Receiver's Motion to Dismiss Alexandre's Claims With Prejudice and Strike any Affirmative Defense. Document filed by Counsel for David Castleman, as Court–Appointed Receiver..(Moran, William) (Entered: 08/23/2024)
08/23/2024	<u>388</u>	MOTION to Dismiss or Strike Counterclaim and Affirmative Defense. Document filed by Commodity Futures Trading Commission. Responses due by 9/23/2024.(Snodgrass, Douglas) (Entered: 08/23/2024)
08/23/2024	<u>389</u>	NOTICE of re: <u>388</u> MOTION to Dismiss or Strike Counterclaim and Affirmative Defense.. Document filed by Commodity Futures Trading Commission..(Snodgrass, Douglas) (Entered: 08/23/2024)
09/10/2024	<u>390</u>	NOTICE of Filing of User Responses to Plan Motion. Document filed by Counsel for David Castleman, as Court–Appointed Receiver. (Attachments: # <u>1</u> Exhibit A. Critical Comments, # <u>2</u> Exhibit B. Supportive Comments, # <u>3</u> Exhibit C. Plan and Distribution Comments, # <u>4</u> Exhibit D. Miscellaneous Comments).(Feeney, Jennifer) (Entered: 09/10/2024)
09/10/2024	<u>391</u>	CERTIFICATE OF SERVICE. Document filed by Counsel for David Castleman, as Court–Appointed Receiver. (Attachments: # <u>1</u> Exhibit A. Email to Users, # <u>2</u> Exhibit B. User Mailing List [redacted], # <u>3</u> Exhibit C. First Class Mailing List [redacted], # <u>4</u> Exhibit D. Supplemental Email Mailing List [redacted]).(Feeney, Jennifer) (Entered: 09/10/2024)
09/10/2024	<u>392</u>	***EX-PARTE***CERTIFICATE OF SERVICE. Document filed by Counsel for David Castleman, as Court–Appointed Receiver. (Attachments: # <u>1</u> Exhibit A.Email to Users, # <u>2</u> Exhibit B.User Mailing List, # <u>3</u> Exhibit C.First Class Mailing List, # <u>4</u> Exhibit D.Supplemental Email Mailing List)Motion or Order to File Under Seal: <u>354</u> .(Feeney, Jennifer) (Entered: 09/10/2024)
09/12/2024		USCA Appeal Fees received \$ 20.00 receipt number 32745 on 9/12/2024 re: <u>330</u> Notice of Interlocutory Appeal filed by Eddy Alexandre. USCA Case no. 24–1493..(nd) (Entered: 09/12/2024)
09/16/2024	<u>393</u>	MOTION IN OPPOSITION TO THE RECEIVER'S PROPOSED DISTRIBUTION PLAN re: <u>381</u> MOTION to Approve /Notice of the Receiver's Motion for Entry of an Order Approving (I) the Receiver's Distribution Plan; (II) the Determination of Allowed User Claims; (III) Notice of Distribution Plan; and (IV) Authority to Pursue Causes o. Document filed by Eddy Alexandre. (jjc) (Entered: 09/18/2024)
09/20/2024	<u>394</u>	AMENDED MOTION IN OPPOSITION TO THE RECEIVER'S PROPOSED DISTRIBUTION PLAN. Document filed by Eddy Alexandre..(tro) (Entered: 09/23/2024)
09/23/2024	<u>395</u>	MOTION for Summary Judgment . Document filed by Commodity Futures Trading Commission. Responses due by 11/1/2024.(Snodgrass, Douglas) (Entered: 09/23/2024)
09/23/2024	<u>396</u>	MEMORANDUM OF LAW in Support re: <u>395</u> MOTION for Summary Judgment .. Document filed by Commodity Futures Trading Commission. (Attachments: # <u>1</u> Exhibit Rule 56.2 Notice).(Snodgrass, Douglas) (Entered: 09/23/2024)
09/23/2024	<u>397</u>	RULE 56.1 STATEMENT. Document filed by Commodity Futures Trading Commission. (Attachments: # <u>1</u> Appendix of Exhibits, # <u>2</u> Exhibit 1–18).(Snodgrass, Douglas) (Entered: 09/23/2024)
09/26/2024	<u>398</u>	REPLY MEMORANDUM OF LAW in Support re: <u>381</u> MOTION to Approve /Notice of the Receiver's Motion for Entry of an Order Approving (I) the Receiver's Distribution Plan; (II) the Determination of Allowed User Claims; (III) Notice of Distribution Plan; and (IV) Authority to Pursue Causes o . Document filed by Commodity Futures Trading Commission..(Snodgrass, Douglas) (Entered: 09/26/2024)
09/26/2024	<u>400</u>	RESPONSE TO THE CFTC'S MOTION TO DISMISS OR STRIKE ALEXANDRE'S COUNTERCLAIM AND MOTION FOR EQUITABLE ESTOPPEL FOR BAD FAITH AND AFFIRMATIVE MISCONDUCT re: <u>388</u> MOTION to Dismiss or Strike Counterclaim and Affirmative Defense. Document filed by Eddy Alexandre. (jjc) (Entered: 10/01/2024)
09/26/2024	<u>401</u>	AFFIDAVIT IN SUPPORT OF THE RESPONSE TO THE CFTC'S MOTION TO DISMISS THE COUNTER-CLAIM AND AFFIRMATIVE DEFENSE re: <u>400</u> Response to Motion. Document filed by Eddy Alexandre. (jjc) (Entered: 10/01/2024)
09/27/2024	<u>399</u>	REPLY MEMORANDUM OF LAW in Support re: <u>381</u> MOTION to Approve /Notice of the Receiver's Motion for Entry of an Order Approving (I) the Receiver's Distribution Plan; (II) the Determination of Allowed User Claims; (III) Notice of Distribution Plan; and (IV) Authority to Pursue Causes o . Document filed by Counsel for David Castleman, as Court–Appointed Receiver..(Feeney, Jennifer) (Entered: 09/27/2024)

10/02/2024	<u>402</u>	ORDER: IT IS HEREBY ORDERED that Mr. Alexandre's opposition is accepted as timely nunc pro tunc. IT IS FURTHER ORDERED that replies to Mr. Alexandre's opposition are due Tuesday, October 15, 2024. SO ORDERED. (Responses due by 10/15/2024) (Signed by Judge Valerie E. Caproni on 10/2/2024) (tg) (Entered: 10/02/2024)
10/02/2024	<u>403</u>	REPLY MEMORANDUM OF LAW in Support re: <u>388</u> MOTION to Dismiss or Strike Counterclaim and Affirmative Defense. . Document filed by Commodity Futures Trading Commission..(Snodgrass, Douglas) (Entered: 10/02/2024)
10/03/2024	<u>404</u>	REPLY to Response to Motion / <i>Receiver's Reply Brief to Eddy Alexandre's Response to the Motion to Dismiss</i> . Document filed by Counsel for David Castleman, as Court–Appointed Receiver..(Moran, William) (Entered: 10/03/2024)
10/03/2024		MAILING RECEIPT: Document No: 402. Mailed to: Eddy Alexandre Reg.No.00712–510 P.O. Box 1000 White Deer, PA 17887. (vba) (Entered: 10/03/2024)
10/03/2024	<u>407</u>	REPLY TO THE EMINIFX INVESTORS COMMENTS FOR THE PROPOSED DISTRIBUTION PLAN. Document filed by Eddy Alexandre. (ar) (Entered: 10/04/2024)
10/04/2024	<u>405</u>	LETTER addressed to Eddy Alexandre, Eminifx, Inc re: Defendant Eddy Alexandre's First Set of Requests for Production to Plaintiff CTC..(jw) (Entered: 10/04/2024)
10/04/2024	<u>406</u>	CERTIFICATE OF SERVICE of Receiver's Reply Brief to Eddy Alexandre's Response to the Motions to Dismiss served on Eddy Alexandre on October 4, 2024. Service was made by Mail. Document filed by Counsel for David Castleman, as Court–Appointed Receiver..(Moran, William) (Entered: 10/04/2024)
10/07/2024	<u>409</u>	MOTION TO OPPOSE THE ADOPTION OF THE SECOND QUARTER 2024 OR NINTH STATUS REPORT FROM THE EMINIFX RECEIVERSHIP FOR DEFECTS AND MOTION TO VACATE THE RELATED APPROVAL OF THE APPLICATION FOR PAYMENT re: <u>370</u> Status Report. Document filed by Eddy Alexandre. (jjc) (Entered: 10/09/2024)
10/07/2024	<u>410</u>	MEMORANDUM OF POINT AND AUTHORITIES IN SUPPORT OF MOTION IN OPPOSITION OF RECEIVER'S NINTH STATUS REPORT AND Q2 24' APPLICATION FOR PAYMENT re: <u>409</u> MOTION MOTION TO OPPOSE THE ADOPTION OF THE SECOND QUARTER 2024 OR NINTH STATUS REPORT FROM THE EMINIFX RECEIVERSHIP FOR DEFECTS AND MOTION TO VACATE THE RELATED APPROVAL OF THE APPLICATION FOR PAYMENT re: <u>370</u> Status Report,.. Document filed by Eddy Alexandre..(jjc) (Entered: 10/09/2024)
10/09/2024	<u>408</u>	LETTER addressed to Judge Valerie E. Caproni from David Castleman, as Receiver dated October 9, 2024 re: Motion to Dismiss Counterclaim Service [Dkt. 386]. Document filed by David A Castleman..(Castleman, David) (Entered: 10/09/2024)
10/09/2024	<u>411</u>	RESPONSE to Motion re: <u>395</u> MOTION for Summary Judgment . <i>/Receiver's Qualified Response on Behalf of Eminifx, Inc to the CFTC'S Motion for Summary Judgment</i> . Document filed by Counsel for David Castleman, as Court–Appointed Receiver..(Moran, William) (Entered: 10/09/2024)
10/11/2024	<u>412</u>	JOINT LETTER addressed to Judge Valerie E. Caproni from Douglas Snodgrass dated 10/11/2024 re: Amending Summary Judgment Deadlines. Document filed by Commodity Futures Trading Commission..(Snodgrass, Douglas) (Entered: 10/11/2024)
10/15/2024	<u>413</u>	MEMO ENDORSEMENT on re: <u>412</u> Letter filed by Commodity Futures Trading Commission. ENDORSEMENT: Application GRANTED. The deadline for Mr. Alexandre to file an opposition to the CFTC's Motion for Summary Judgment is ADJOURNED to November 29, 2024. The deadline for the CFTC to file a reply is ADJOURNED to December 20, 2024. SO ORDERED. (Responses due by 11/29/2024, Replies due by 12/20/2024.) (Signed by Judge Valerie E. Caproni on 10/15/2024) (tg) (Entered: 10/15/2024)
10/16/2024		MAILING RECEIPT: Document No: 413. Mailed to: Eddy Alexandre Reg.No.00712–510 P.O. Box 1000 White Deer, PA 17887. (ak) (Entered: 10/16/2024)
10/17/2024	<u>415</u>	LETTER addressed to Judge Valerie E. Caproni from Eddy Alexandre dated 10/9/2024 re: David Castleman's reply brief to Eddy Alexandre's Response to the CFTC's motion to dismiss. Document filed by Eddy Alexandre. (ar) (Entered: 10/21/2024)
10/21/2024	<u>414</u>	MEMO ENDORSEMENT denying <u>409</u> Motion. ENDORSEMENT: Application DENIED. The Court has reviewed the Receiver's work product and found that it adequately reports the status of the Receiver's operations. The fee request was reasonable in light of the complex nature of the work performed. The Court once again notes that Mr. Alexandre, having pled guilty in the criminal case to

		defrauding investors, cannot now position himself as the guardian of their best interests. See Dkt. 353. The Court need not consider Mr. Alexandre's preferences when assessing the Receiver's work. Given the lack of legal authority for Mr. Alexandre's motion, the Court hereby certifies pursuant to 28 U.S.C. § 1915(a)(3) that any interlocutory appeal of this order would not be taken in good faith. Therefore, permission to proceed in forma pauperis on interlocutory appeal of this order is DENIED. SO ORDERED. (Signed by Judge Valerie E. Caproni on 10/21/2024) (tg) (Entered: 10/21/2024)
10/22/2024		MAILING RECEIPT: Document No: 414. Mailed to: Eddy Alexandre Reg.No.00712-510 P.O. Box 1000 White Deer, PA 17887. (anc) (Entered: 10/22/2024)
10/22/2024	<u>416</u>	MEMO ENDORSEMENT on re: <u>415</u> Letter filed by Eddy Alexandre. ENDORSEMENT: In light of the Receiver's representation that he mailed the motion to dismiss again on October 9, 2024 (see Dkt. 408), Mr. Alexandre's deadline to respond to the motion is ADJOURNED to Thursday, November 21, 2024. Mr. Alexandre's request to file a sur-reply to the CFTC's reply in further support of its motion to dismiss is DENIED. Given the lack of legal authority for the request to file a sur-reply, the Court hereby certifies pursuant to 28 U.S.C. § 1915(a)(3) that any interlocutory appeal of this order would not be taken in good faith. Therefore, permission to proceed in forma pauperis on interlocutory appeal of this order is DENIED. SO ORDERED. (Responses due by 11/21/2024) (Signed by Judge Valerie E. Caproni on 10/22/2024) (tg) (Entered: 10/22/2024)
10/23/2024		MAILING RECEIPT: Document No: 416. Mailed to: Eddy Alexandre Reg.No.00712-510 P.O. Box 1000 White Deer, PA 17887. (ak) (Entered: 10/23/2024)
10/24/2024		USCA Appeal Fees received \$80.00 receipt number 34056 on 10/24/2024 re: <u>330</u> Notice of Interlocutory Appeal filed by Eddy Alexandre.(km) (Entered: 10/24/2024)
10/30/2024	<u>417</u>	NOTICE of Filing of Schedule of User Transactions. Document filed by Counsel for David Castleman, as Court-Appointed Receiver. (Attachments: # <u>1</u> Exhibit 1-Disputed Transactions, # <u>2</u> Exhibit 2-Verified Transactions, # <u>3</u> Exhibit 3-Added Deposits, # <u>4</u> Exhibit Certificate of Service).(Feeney, Jennifer) (Entered: 10/30/2024)
11/08/2024	<u>418</u>	STATUS REPORT. <i>Third Quarter 2024 Status Report of Receiver David A. Castleman (Tenth Status Report)</i> Document filed by David A Castleman. (Attachments: # <u>1</u> Exhibit 1 (ledger), # <u>2</u> Exhibit 2 (financials)).(Castleman, David) (Entered: 11/08/2024)
11/08/2024	<u>419</u>	LETTER addressed to Judge Valerie E. Caproni from David Castleman, as Receiver dated November 8, 2024 re: Application for Payment of Fees and Expenses Third Quarter 2024. Document filed by David A Castleman. (Attachments: # <u>1</u> Exhibit 1 (Castleman), # <u>2</u> Exhibit 2 (Feeney), # <u>3</u> Exhibit 3 (O'Malley), # <u>4</u> Exhibit 4 (Young), # <u>5</u> Exhibit 5 (Davis), # <u>6</u> Exhibit 6 (McElhinney)).(Castleman, David) (Entered: 11/08/2024)
11/08/2024	<u>420</u>	***EX-PARTE*** LETTER addressed to Judge Valerie E. Caproni from David Castleman, as Receiver dated November 8, 2024 re: Application for Payment of Fees and Expenses Second Quarter 2024 Exhibits Under Seal [Dkt. 419]. Document filed by David A Castleman. (Attachments: # <u>1</u> Exhibit 1-1 (Castleman), # <u>2</u> Exhibit 2-1 (Otterbourg), # <u>3</u> Exhibit 3-1 (JS Held), # <u>4</u> Errata 4-1 (Deloitte Tax), # <u>5</u> Exhibit 5-1 (Crowe), # <u>6</u> Exhibit 6-1 (Stretto))Motion or Order to File Under Seal: <u>47</u> .(Castleman, David) (Entered: 11/08/2024)
11/15/2024	<u>421</u>	JOINT LETTER addressed to Judge Valerie E. Caproni from Douglas Snodgrass dated November 15, 2024 re: Second Request to Amend Summary Judgment Deadlines. Document filed by Commodity Futures Trading Commission..(Snodgrass, Douglas) (Entered: 11/15/2024)
11/18/2024	<u>422</u>	MEMO ENDORSEMENT on re: <u>421</u> Letter filed by Commodity Futures Trading Commission, ENDORSEMENT: Application GRANTED. Mr. Alexandre's opposition is due Friday, December 27, 2024. The CFTC's reply is due Friday, January 24, 2025. No further adjournments will be granted. SO ORDERED (Signed by Judge Valerie E. Caproni on 11/18/2024) (Responses due by 12/27/2024, Replies due by 1/24/2025.) (ks) (Entered: 11/18/2024)
11/19/2024		MAILING RECEIPT: Document No: 422. Mailed to: Eddy Alexandre Reg.No.00712-510 P.O. Box 1000 White Deer, PA 17887. (ak) (Entered: 11/19/2024)
11/25/2024	<u>423</u>	LETTER addressed to Judge Valerie E. Caproni from David Castleman's dated 11/20/2024 re: I write in response to David Castleman's motion for entry of an order dismissing Alexandre's claims with prejudice and striking ANY affirmative defense. Document filed by Eddy Alexandre.(vba) (Entered: 11/26/2024)
11/26/2024	<u>424</u>	MEMO ENDORSEMENT on re: <u>419</u> Letter, filed by David A Castleman ENDORSEMENT: Application GRANTED. (Signed by Judge Valerie E. Caproni on 11/26/2024) (tro) (Entered:

		11/26/2024)
11/27/2024		MAILING RECEIPT: Document No: 424. Mailed to: Eddy Alexandre Reg.No.00712-510 P.O. Box 1000 White Deer, PA 17887. (Entered: 11/27/2024)
12/02/2024	<u>425</u>	ORDER: IT IS HEREBY ORDERED that the Court STRIKES the claims against the Receiver at paragraphs 8589 of Mr. Alexandre's Answer (Dkt. 377). IT IS FURTHER ORDERED that the Receiver's Motion for Entry of an Order Dismissing Alexandre's Claims with Prejudice and Striking Any Affirmative Defense is DENIED IN PART AS MOOT, to the extent it seeks to dismiss Mr. Alexandre's now-withdrawn claims. The Court will address separately the portions of the motion seeking to dismiss or strike Mr. Alexandre's affirmative defenses. (Signed by Judge Valerie E. Caproni on 12/2/2024) (rro) (Entered: 12/02/2024)
12/03/2024		MAILING RECEIPT: Document No: 425. Mailed to: Eddy Alexandre Reg.No.00712-510 P.O. Box 1000 White Deer, PA 17887. (Entered: 12/03/2024)
12/12/2024		USCA Appeal Fees received \$ 130.00 receipt number 35304 on 12/10/2024 re: <u>330</u> Notice of Interlocutory Appeal filed by Eddy Alexandre. (tp) (Entered: 12/12/2024)
12/13/2024		USCA Appeal Fees received \$ 190.00 receipt number 35403 on 12/13/2024 re: <u>330</u> Notice of Interlocutory Appeal filed by Eddy Alexandre. (tp) (Entered: 12/13/2024)
01/02/2025	<u>426</u>	MANDATE of USCA (Certified Copy) as to <u>361</u> Notice of Interlocutory Appeal filed by Eddy Alexandre, <u>330</u> Notice of Interlocutory Appeal filed by Eddy Alexandre, <u>366</u> Notice of Interlocutory Appeal filed by Eddy Alexandre USCA Case Number 24-1493. Appellant, pro se, moves for in forma pauperis status in these consolidated appeals. Appellee, through counsel, moves to dismiss the appeals for lack of jurisdiction. The appeal in 24-1493 challenges the denial of Appellant's motion to compel the return of a laptop and the denial of reconsideration. The appeal in 24-2008 challenges the denial of Appellant's motion to dismiss the complaint and to compel arbitration. The appeal in 24-2044 challenges the denial of Appellant's motion to oppose the adoption of a status report from the receiver and to stay the approval of the receiver's fee application. This Court has determined that it lacks jurisdiction over the appeals in 24-1493 and 24-2044 because the district court has not issued a final order as contemplated by 28 U.S.C. § 1291. See Petrello v. White, 533 F.3d 110, 113 (2d Cir. 2008). Upon due consideration, it is hereby ORDERED that Appellee's motions are GRANTED in 24-1493 and 24-2044, and those appeals are DISMISSED for lack of jurisdiction. It is further ORDERED that Appellant's motions for in forma pauperis status are DENIED as moot in those appeals. With respect to 24-2008, Appellee's motion is GRANTED in part as to the denial of the motion to dismiss, and the appeal is DISMISSED in part for lack of jurisdiction as to that challenge. It is further ORDERED that as to the denial of the motion to compel arbitration, Appellant's motion for in forma pauperis status is DENIED and the appeal is DISMISSED in remaining part because it "lacks an arguable basis either in law or in fact." Neitzke v. Williams, 490 U.S. 319, 325 (1989); see 28 U.S.C. § 1915(e).. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 01/02/2025..(nd) (Entered: 01/02/2025)
01/03/2025	<u>428</u>	ANSWER TO THE CFTC'S MOTION FOR SUMMARY JUDGMENT re: <u>395</u> MOTION for Summary Judgment . Document filed by Eddy Alexandre. (jjc) (Entered: 01/08/2025)
01/06/2025	<u>427</u>	NOTICE of Amended Non-User Claims Report. Document filed by Counsel for David Castleman, as Court-Appointed Receiver..(Feeney, Jennifer) (Entered: 01/06/2025)
01/06/2025	<u>429</u>	OPPOSITION to the Receiver's Third Quarter's Status Report. Document filed by Eddy Alexandre.(vba) (Entered: 01/13/2025)
01/14/2025	<u>430</u>	MEMO ENDORSEMENT on re: <u>429</u> Opposition Brief filed by Eddy Alexandre. ENDORSEMENT: Application DENIED. The Court has reviewed the Receiver's work product and found that it adequately reports the status of the Receiver's operations. The fee request was reasonable in light of the complex nature of the work performed. The Court once again notes that Mr. Alexandre, having pled guilty in the criminal case to defrauding investors, cannot now position himself as the guardian of their best interests. See Dkt. 353. The Court need not consider Mr. Alexandre's preferences when assessing the Receiver's work. Given the lack of legal authority for Mr. Alexandre's motion, the Court hereby certifies pursuant to 28 U.S.C. § 1915(a)(3) that any interlocutory appeal of this order would not be taken in good faith. Therefore, permission to proceed in forma pauperis on interlocutory appeal of this order is DENIED. SO ORDERED. (Signed by Judge Valerie E. Caproni on 1/14/2025) (tg) (Entered: 01/14/2025)
01/15/2025		MAILING RECEIPT: Document No: 430. Mailed to: Eddy Alexandre Reg.No.00712-510 P.O. Box 1000 White Deer, PA 17887. (ne) (Entered: 01/15/2025)

01/21/2025	<u>431</u>	OPINION AND ORDER re: <u>381</u> MOTION to Approve /Notice of the Receiver's Motion for Entry of an Order Approving (I) the Receiver's Distribution Plan; (II) the Determination of Allowed User Claims; (III) Notice of Distribution Plan; and (IV) Authority to Pursue Causes of Action filed by Counsel for David Castleman, as Court-Appointed Receiver. For the foregoing reasons, the Receiver's Motion is GRANTED and the Distribution Plan is APPROVED in all respects. The Clerk of the Court is respectfully directed to terminate the open motion at Dkt. 381. The Allowed Claims of Class 3 and Class 3A Claimants, as those terms are defined in the Distribution Plan, shall be based solely on their Verified User Deposit Amounts, as that term is defined in the Distribution Plan, and shall not include ROI, bonuses, or internal transfers between users in the EminiFX System, as set forth in the Distribution Plan. With respect to Causes of Action against Net Winners, the Receiver is authorized to settle such Causes of Action for a return to the Receivership estate of fifty percent of the amount by which a Net Winners Verified User Withdrawal Amount exceeds their Verified User Deposit Amount, in exchange for a release of liability, subject to further terms determined by the Receiver in the best interest of the Receivership estate, including but not limited to the resolution of additional claims against such persons or entities, without further order of this Court. The Receiver is authorized to set a June 30, 2025, deadline to settle such Net Winner Causes of Action, but may for good cause extend that deadline for some or all Net Winners. With respect to any other Causes of Action or Net Winner Causes of Action not settled on the foregoing terms, the Receiver may bring such claims in accordance with the Consent Order for Preliminary Injunction, Dkt. 56, Paragraph 37, and may settle or compromise such claims consistent with the Court's Order on Supplemental Procedures dated August 5, 2022, Dkt. 91, provided that the Receiver may, without further order of the Court, seek approval of any settlement under seal if such settlement agreement contains a confidentiality provision. The Receiver is authorized to commence distributions as set forth in the Distribution Plan at any time after the entry of this Order. The Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order, as well as other matters for which this Court retains jurisdiction as specified in the Distribution Plan. This Order shall be immediately effective and enforceable upon its entry. SO ORDERED. (Signed by Judge Valerie E. Caproni on 1/21/2025) (tg) Transmission to Finance Unit (Cashiers) for processing. (Entered: 01/21/2025)
01/21/2025	<u>432</u>	LETTER addressed to Judge Valerie E. Caproni from Douglas Snodgrass dated January 21, 2025 re: Defendants' Exhibits. Document filed by Commodity Futures Trading Commission. (Attachments: # <u>1</u> Exhibit 1 through 16).(Snodgrass, Douglas) (Entered: 01/21/2025)
01/22/2025		MAILING RECEIPT: Document No: 431. Mailed to: Eddy Alexandre Reg.No.00712-510 P.O. Box 1000 White Deer, PA 17887. (ak) (Entered: 01/22/2025)
01/22/2025	<u>433</u>	OPINION AND ORDER <u>386</u> MOTION to Dismiss /Notice of the Receiver's Motion for Entry of an Order Dismissing Alexandre's Claims With Prejudice and Striking any Affirmative Defense. {ECF 377}; <u>388</u> MOTION to Dismiss or Strike Counterclaim and Affirmative Defense. For the foregoing reasons, the CFTC's motion to dismiss is GRANTED and the counterclaim against the CFTC is DISMISSED WITH PREJUDICE. The portion of the Receiver's motion seeking to strike any affirmative defense of contributory negligence as to the Receiver is DENIED AS MOOT. The Clerk of the Court is respectfully directed to close the open motions at Dkts. 386 and 388. Given the lack of legal or factual support for Alexandre's counterclaim against the CFTC and the fact that he did not raise an affirmative defense of contributory negligence against the Receiver, the Court hereby certifies pursuant to 28 U.S.C. § 1915(a)(3) that any interlocutory appeal of this order would not be taken in good faith. Therefore, permission to proceed in forma pauperis on interlocutory appeal of this order is DENIED. SO ORDERED. (Signed by Judge Valerie E. Caproni on 1/22/2025) (tg) (Entered: 01/22/2025)
01/22/2025	<u>435</u>	LETTER addressed to Pro Se Intake from Eddy Alexandre dated 1/16/2025 re: Exhibits for the answer to the CFTC's motion for summary judgment.. Document filed by Eddy Alexandre.(ar) (Entered: 01/23/2025)
01/23/2025		MAILING RECEIPT: Document No: 433. Mailed to: Eddy Alexandre Reg.No.00712-510 P.O. Box 1000 White Deer, PA 17887. (Entered: 01/23/2025)
01/23/2025	<u>434</u>	NOTICE of Initial Distribution. Document filed by David A Castleman. (Attachments: # <u>1</u> Exhibit 1 (Class 3 Payment), # <u>2</u> Exhibit 2 (Class 3 Over Rising Tide), # <u>3</u> Exhibit 3 (Class 3A Payment), # <u>4</u> Exhibit 4 (Class 3A Over Rising Tide), # <u>5</u> Exhibit 5 (Disputed Accounts)).(Castleman, David) (Entered: 01/23/2025)
01/24/2025	<u>436</u>	REPLY MEMORANDUM OF LAW in Support re: <u>395</u> MOTION for Summary Judgment .. Document filed by Commodity Futures Trading Commission..(Snodgrass, Douglas) (Entered: 01/24/2025)
01/24/2025	<u>437</u>	COUNTER STATEMENT TO Document filed by Commodity Futures Trading Commission..(Snodgrass, Douglas) (Entered: 01/24/2025)

01/27/2025	438	LETTER addressed to Judge Valerie E. Caproni from Pierre Acluche dated 1/27/2025 re: I am writing to respectfully oppose the Court's decision to approve the court-appointed receiver's motion and the distribution plan (Dkt. 431). (Attachments: # 1 Exhibit letter regarding motion) (jjc) (Entered: 01/28/2025)
01/27/2025	439	EMINIFX INVESTORS' MOTION TO INTERVENE. (jjc) (Entered: 01/28/2025)
01/28/2025	440	LETTER addressed to Judge Valerie E. Caproni from Jennifer S. Feeney dated January 28, 2025 re: Alexandre Motion for Leave to Appeal Order Approving Distribution Plan. Document filed by Counsel for David Castleman, as Court-Appointed Receiver. (Attachments: # 1 Exhibit Alexandre's Emergency Motion for Leave to Proceed on an Interlocutory Appeal, dated January 22, 2025).(Feeney, Jennifer) (Entered: 01/28/2025)
01/28/2025	443	EMERGENCY MOTION FOR LEAVE TO PROCEED ON AN INTERLOCUTORY APPEAL. Document filed by Eddy Alexandre. (jjc) (Entered: 01/30/2025)
01/29/2025		USCA Appeal Fees received \$ 170.00 receipt number 36726 on 1/29/2025 re: 366 Notice of Interlocutory Appeal filed by Eddy Alexandre..(nd) (Entered: 01/29/2025)
01/30/2025	441	MEMO ENDORSEMENT on re: 440 Letter, filed by Counsel for David Castleman, as Court-Appointed Receiver. ENDORSEMENT: Unless and until a notice of appeal is filed and the Court receives and grants a motion to stay the distribution pending appeal, the Court's January 21, 2025, Order (Dkt. 431) granting the Receiver's motion to approve the Distribution Plan and authorizing him to commence distributions remains ineffect. The Receiver is directed to copy the text of this endorsement into an email and send it to Mr. Alexandre via Trulincs. SO ORDERED. (Signed by Judge Valerie E. Caproni on 1/30/2025) (ar) (Entered: 01/30/2025)
01/30/2025	442	ORDER denying 439 Motion to Intervene..Application DENIED. The Court has already considered and rejected materially identical arguments raised by many of these same prospective intervenors on three separate occasions. See Dkts. 256, 316, 365. This latest motion raises no new arguments, and is denied for the reasons set forth in the Court's previous orders. The Court finds no merit in the claim in Mr. Acluche's letter (Dkt. 438) that the Court's Opinion approving the Distribution Plan was improper because it was rendered before the Motion for Summary Judgment was fully briefed. The Motion for Summary Judgment (Dkt. 395) and the Motion to Approve the Distribution Plan (Dkt. 381) are two distinct motions, the former of which remains pending. The Court's Opinion approving the Distribution Plan (Dkt. 431) considered and addressed the arguments raised by Mr. Alexandre in his Opposition to the Distribution Plan (Dkt. 394) as well as the comments on the Plan that investors filed with the Receiver (Dkt. 390). Mr. Acluche's argument that the SEC and the CFTC lack authority to regulate digital asset exchanges is likewise irrelevant to the question of whether the Distribution Plan is fair and reasonable. The Clerk of Court is respectfully directed to mail a copy of this Order to Pierre Acluche, 905 Hines Ave., Lehigh Acres, FL 33972. 1/30/2025 SO ORDERED. (Signed by Judge Valerie E. Caproni on 1/30/2025) (ar) (Entered: 01/30/2025)
01/31/2025		MAILING RECEIPT: Document No: 441. Mailed to: Eddy Alexandre Reg.No.00712-510 P.O. Box 1000 White Deer, PA 17887. (anc) (Entered: 01/31/2025)
01/31/2025		MAILING RECEIPT: Document No: 442. Mailed to: Eddy Alexandre Reg.No.00712-510 P.O. Box 1000 White Deer, PA 17887. (anc) (Entered: 01/31/2025)
01/31/2025	444	STATUS REPORT. <i>2024 Annual Report of Receiver David A. Castleman (Eleventh Status Report)</i> Document filed by David A Castleman. (Attachments: # 1 Exhibit 1 (ledger), # 2 Exhibit 2 (financials), # 3 Exhibit Court Approved Plan).(Castleman, David) (Entered: 01/31/2025)
01/31/2025	445	LETTER addressed to Judge Valerie E. Caproni from David Castleman, as Receiver dated January 31, 2025 re: Application for Payment of Fees and Expenses Fourth Quarter 2024. Document filed by David A Castleman. (Attachments: # 1 Exhibit 1 (Castleman), # 2 Exhibit 2 (Feeney), # 3 Exhibit 3 (O'Malley), # 4 Exhibit 4 (Young), # 5 Exhibit 5 (Davis), # 6 Exhibit 6 (McElhinney)).(Castleman, David) (Entered: 01/31/2025)
01/31/2025	446	***EX-PARTE*** LETTER addressed to Judge Valerie E. Caproni from David Castleman, as Receiver dated January 31, 2025 re: Application for Payment of Fees and Expenses Fourth Quarter 2024 Exhibits Under Seal 445 . Document filed by David A Castleman. (Attachments: # 1 Exhibit 1-1 (Castleman), # 2 Exhibit 2-1 (Otterbourg), # 3 Exhibit 3-1 (JS Held), # 4 Exhibit 4-1 (Deloitte Tax), # 5 Exhibit 5-1 (Crowe), # 6 Exhibit 6-1 (Stretto))Motion or Order to File Under Seal: 47 .(Castleman, David) (Entered: 01/31/2025)
02/03/2025	447	MEMO ENDORSEMENT granting in part and denying in part 443 Motion. ENDORSEMENT: "[T]he submissions of a pro se litigant must be construed liberally and interpreted to raise the strongest

		<p>arguments that they suggest." Triestman v. Fed. Bureau of Prisons, 470 F.3d 471, 474 (2d Cir. 2006) (internal quotation marks omitted). The Court interprets this filing to be a notice of appeal of two orders: the January 21, 2025, Order (Dkt. 431) approving the Distribution Plan and the January 22, 2025, Order (Dkt. 433) granting the CFTC's motion to dismiss the counterclaim and dismissing as moot the Receiver's motion to strike the affirmative defense of contributory negligence as to the Receiver. As to the appeal of the January 21, 2025, Order approving the Distribution Plan, the Court of Appeals has jurisdiction to adjudicate appeals of "[i]nterlocutory orders appointing receivers, or refusing orders to wind up receiverships or to take steps to accomplish the purposes thereof, such as directing sales or other disposals of property." 28 U.S.C. § 1292(a)(2). Accordingly, Mr. Alexandre is entitled to take an interlocutory appeal of the January 21, 2025, Order and this notice of appeal was correctly filed with the District Court. To the extent Mr. Alexandre intends to proceed in forma pauperis on appeal, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal of the January 21, 2025, Order would not be taken in good faith. Mr. Alexandre's Opposition to the Motion to Approve the Distribution Plan (Dkt. 394) consists predominately of ad hominem attacks on the CFTC, the Receiver, and the Undersigned; it contains no credible legal or factual arguments for consideration on appeal. To the extent this filing can be construed as a request to stay the Receiver's distribution of funds, that request is DENIED. "The four factors to be considered in issuing a stay pending appeal are well known: (1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies." <i>In re World Trade Center Disaster Site Litig.</i>, 503 F.3d 167, 170 (2d Cir. 2007). As to the first factor, it is unlikely that Mr. Alexandre's appeal will succeed on the merits because, as the Court explained in the January 21, 2025, Order, none of Mr. Alexandre's arguments against approving the Distribution Plan is factually or legally sound. As to the second factor, Mr. Alexandre will not be injured absent a stay because he has already pled guilty to defrauding investors in his criminal case and has no valid claim to any of the assets that will be distributed. As to the third factor, the investors who Mr. Alexandre defrauded would be injured if their recovery were delayed due to frivolous legal filings. As to the fourth factor, the public has a clear interest in making fraud victims whole. Finally, any appeal of the January 22, 2025, Order (Dkt. 433) granting the CFTC's motion to dismiss the counterclaim and dismissing as moot the Receiver's motion to strike the affirmative defense of contributory negligence as to the Receiver would be an interlocutory appeal. 28 U.S.C. § 1292(a) does not grant the Court of Appeals jurisdiction to adjudicate interlocutory appeals of orders on motions to dismiss affirmative defenses or counterclaims. Accordingly, Mr. Alexandre may appeal the January 22, 2025, Order only if this Court determines "that such order involves a controlling question of law as to which there is a substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation." 28 U.S.C. § 1292(b). Because Mr. Alexandre's counterclaims and affirmative defenses were frivolous, the Court concludes that the January 22, 2025, Order neither involves a controlling question of law nor presents a substantial ground for difference of opinion. The Clerk of the Court is respectfully directed to mail a copy of this Order to Mr. Alexandre and to note the mailing on the docket. SO ORDERED. (Signed by Judge Valerie E. Caproni on 2/3/2025) (tg) (Entered: 02/03/2025)</p>
02/04/2025		MAILING RECEIPT: Document No: 447. Mailed to: Eddy Alexandre Reg.No.00712-510 P.O. Box 1000 White Deer, PA 17887. (ak) (Entered: 02/04/2025)
02/11/2025		USCA Appeal Fees received \$ 15.00 receipt number 37090 on 2/11/2025 re: <u>366</u> Notice of Interlocutory Appeal filed by Eddy Alexandre..(nd) (Entered: 02/11/2025)
02/19/2025	<u>448</u>	MOTION to Compel Defendant, Eddy Alexandre to Turnover Assets and Information / <i>Notice of the Receiver's Motion for Entry of an Order Compelling Turnover of Assets and Information in Compliance with the Consent Order</i> . Document filed by Counsel for David Castleman, as Court-Appointed Receiver..(Feeney, Jennifer) (Entered: 02/19/2025)
02/19/2025	<u>449</u>	MEMORANDUM OF LAW in Support re: <u>448</u> MOTION to Compel Defendant, Eddy Alexandre to Turnover Assets and Information / <i>Notice of the Receiver's Motion for Entry of an Order Compelling Turnover of Assets and Information in Compliance with the Consent Order</i> . . Document filed by Counsel for David Castleman, as Court-Appointed Receiver..(Feeney, Jennifer) (Entered: 02/19/2025)
02/19/2025	<u>450</u>	DECLARATION of David A. Castleman, as Receiver in Support re: <u>448</u> MOTION to Compel Defendant, Eddy Alexandre to Turnover Assets and Information / <i>Notice of the Receiver's Motion for Entry of an Order Compelling Turnover of Assets and Information in Compliance with the Consent Order</i> .. Document filed by Counsel for David Castleman, as Court-Appointed Receiver. (Attachments: # <u>1</u> Exhibit A – Email dated July 28, 2022, # <u>2</u> Exhibit B – Bitpay Tracing, # <u>3</u> Exhibit C – Bitpay Tracing, # <u>4</u> Exhibit D – Wrist Aficionado Receipts, # <u>5</u> Exhibit E – Demand for Return of Watches, # <u>6</u> Exhibit F – Email dated December 9, 2024, # <u>7</u> Exhibit G – Email Correspondence dated January 21–27, 2025, # <u>8</u> Exhibit H – Letter dated January 21, 2025).(Feeney, Jennifer) (Entered: 02/19/2025)

02/19/2025	<u>451</u>	***SELECTED PARTIES***DECLARATION of David A. Castleman, as Receiver in Support re: <u>448</u> MOTION to Compel Defendant, Eddy Alexandre to Turnover Assets and Information <i>/Notice of the Receiver's Motion for Entry of an Order Compelling Turnover of Assets and Information in Compliance with the Consent Order..</i> Document filed by Counsel for David Castleman, as Court-Appointed Receiver, Commodity Futures Trading Commission, Eddy Alexandre, David A Castleman. (Attachments: # <u>1</u> Exhibit A – Email dated July 28, 2022, # <u>2</u> Exhibit B – Bitpay Tracing, # <u>3</u> Exhibit C – Bitpay Tracing, # <u>4</u> Exhibit D – Wrist Aficionado Receipts, # <u>5</u> Exhibit E – Demand for Return of Watches, # <u>6</u> Exhibit F – Email dated December 9, 2024, # <u>7</u> Exhibit G – Email Correspondence dated January 21–27, 2025, # <u>8</u> Exhibit H – Letter dated January 21, 2025)Motion or Order to File Under Seal: <u>347</u> .(Feeney, Jennifer) (Entered: 02/19/2025)
02/20/2025	<u>452</u>	NOTICE OF INTERLOCUTORY APPEAL from <u>442</u> Order on Motion to Intervene. Document filed by Pierre Acluche..(nd) (Entered: 02/20/2025)
02/20/2025		Appeal Fee Due: for <u>452</u> Notice of Interlocutory Appeal.\$605.00 Appeal fee due by 3/6/2025..(nd) (Entered: 02/20/2025)
02/20/2025		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>452</u> Notice of Interlocutory Appeal..(nd) (Entered: 02/20/2025)
02/20/2025		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>452</u> Notice of Interlocutory Appeal were transmitted to the U.S. Court of Appeals..(nd) (Entered: 02/20/2025)